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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

FORTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

Being the First Session of the Fifth Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE TWENTY-FIFTH DAY OF JANUARY, IN THE YEAR OF OUR
LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FOUR.

1884.



C212053
9:57:27

HIS HONOUR
THE HONOURABLE JOHN BEVERLEY ROBINSON,
LIEUTENANT-GOVERNOR.

THE

Toronto:

PRINTED BY JOHN NOTMAN,
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
1884.

PRI

PROVINCE OF ONTARIO

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ANNO QUADRAGESIMO SEPTIMO.

VICTORIÆ REGINÆ.

CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-four, and for other purposes therein mentioned.

[Assented to 25th March, 1884.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Preamble.
Honourable John Beverley Robinson, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-four ; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of two million eight hundred and ninety-one thousand five hundred and fifty-two dollars and twenty-three cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-four, as set forth in schedule A to this Act ; and for the expenses of Legislation, Public Institutions' ^{\$2,891,552.23 granted out of the Consolidated Revenue Fund for certain purposes.}

stitutions' Maintenance, and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and eighty-five, as set forth in schedule B to this Act.

Accounts to be laid before the Legislature. **2.** Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys. **3.** Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty-four, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day, and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure to be accounted for to Her Majesty. **4.** The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-four, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto

Government House.....	\$ 1,750 00
Lieutenant-Governor's Office	3,980 00
Executive Council and Attorney-General's Office	14,688 34
Education Department	20,679 00
Crown Lands Department.....	46,410 00
Department of Public Works	17,880 00
Treasury Department.....	17,610 00
Department of Agriculture	1,400 00
Inspection of Public Institutions	9,075 00
Secretary and Registrar's Department	28,025 00
Department of Immigration	1,600 00
Miscellaneous	16,700 00
	<hr/> \$179,797 34

LEGISLATION.

To defray expenses for Legislation \$112,350 00

ADMINISTRATION

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	\$ 55,319 00	
Miscellaneous — Criminal and Civil Justice..	247,650 00	
Surrogate Judges	16,032 00	
	<hr/>	\$319,001 00

EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$240,000 00	
Schools in New and Poor Townships.....	20,000 00	
Inspection of Public and Separate Schools	37,427 00	
Collegiate Institutes and High Schools.....	85,500 00	
Inspection of Normal and High Schools.....	6,200 00	
Training of Public School Teachers.....	14,673 00	
Departmental Examinations.....	8,148 00	
Superannuated High and Public School Teachers	52,000 00	
Normal and Model Schools, Toronto.....	22,086 21	
Normal School, Ottawa.....	19,119 67	
Museum and Library	8,031 00	
School of Practical Science.....	5,975 00	
Miscellaneous Expenses of Education	2,540 00	
	<hr/>	\$521,699 88

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto.....	\$ 92,911 00	
Asylum for the Insane, London.....	125,978 00	
Asylum for the Insane, Kingston.....	59,908 00	
Asylum for the Insane, Hamilton.....	69,911 00	
Asylum for the Insane, Orillia.....	28,914 00	
Provincial Reformatory, Penetanguishene	38,910 00	
Central Prison, Toronto.....	73,155 00	
Institution for the Deaf and Dumb, Belleville..	39,849 00	
Institution for the Blind, Brantford.....	34,036 00	
Mercer Reformatory for Females.....	31,582 00	
	<hr/>	\$595,154 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration..... \$31,950 00

AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of:—

Agriculture

Agriculture	\$146,340 00	
Arts	30,500 00	
Literary and Scientific	1,350 00	
	<hr/>	\$178,190 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	\$93,944 18
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

To defray expenses of maintenance and repairs	\$38,090 00
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PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	\$3,618 00	
Asylum for the Insane, London	9,000 00	
Asylum for the Insane, Hamilton	30,550 00	
Asylum for the Insane, Kingston	29,360 00	
Asylum for Idiots, Orillia	13,100 00	
Reformatory, Penetanguishene	7,025 00	
Reformatory for Females, Toronto	7,769 17	
Central Prison, Toronto	50,374 98	
Deaf and Dumb Institute, Belleville	4,400 00	
Blind Institute, Brantford	7,220 50	
School of Agriculture, Guelph	6,600 00	
Normal School and Education Office, Toronto ..	2,500 00	
Normal School, Ottawa	1,500 00	
School of Practical Science, Toronto	3,150 00	
Osgoode Hall, Toronto	33,300 00	
Government House, Toronto	4,500 00	
Parliament Buildings	5,000 00	
District of Algoma	500 00	
Thunder Bay District	8,750 00	
Nipissing District	150 00	
Parry Sound District	250 00	
Muskoka District	2,500 00	
Unorganized Territory	1,642 00	
Miscellaneous	950 00	
	<hr/>	\$233,709 65

PUBLIC WORKS.

To defray expenses of Public Works	\$52,965 00
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COLONIZATION ROADS.

To defray expenses of Construction and Repairs	\$122,550 00
“ “ of previous years	36,596 52

CHARGES

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands \$97,148 74

REFUNDS.

To defray the expenses of the Refund Accounts \$43,107 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure \$64,003 50

UNFORESEEN AND UNPROVIDED.

To meet unforeseen and unprovided expenses.. \$50,000 00

To cover sundry unforeseen expenses of 1883.. 91,295 42

141,295 42

Total Estimate for 1884..... 2,861,552 23

SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-five, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1885

\$30,000 00

2,891,552 23

CHAPTER 2.

An Act respecting the Territory in dispute between this Province and the Province of Manitoba.

[Assented to 25th March, 1884.]

WHEREAS the boundary between this Province and the Province of Manitoba is in dispute; and whereas the Governments of the Provinces aforesaid have come to an agreement to refer the said dispute to Her Majesty in Her Privy Council, and to promote concurrent legislation for the administration of justice, and to secure peace and good order in the said territory until the Judicial Committee of the Privy Council shall determine the dispute;

Preamble.

Therefore Her Majesty, by and with the advice and consent of

of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment
of commis-
sioners for
Rat Portage.

1. The Lieutenant-Governor in Council for the Province of Ontario, and the Lieutenant-Governor in Council for the Province of Manitoba, may each appoint, from time to time, a Commissioner of Police for all the territory within the Municipality, or intended Municipality, of Rat Portage, whether intended to be incorporated under Statutes of Ontario or of Manitoba, and for the territory along the line of the Canada Pacific Railway in the Disputed Territory, and extending for a quarter of a mile on each side of the said railway. The said territory may be hereafter known as "The Canada Pacific Magisterial District." Each Commissioner of Police shall hold office during the pleasure of the Lieutenant-Governor in Council by whom he may be appointed.

Jurisdiction of
commissioners
north and west
of Height of
land.

2. The said Commissioners shall be *ex-officio* Police Magistrates in and for the said territory, North and West of the Height of Land, and shall each possess within it every jurisdiction and authority possessed by a Police Magistrate under the laws of either of the said Provinces.

Commissioners
when prac-
ticable to
sit together,
and to have
co-ordinate
authority. No
other provin-
cial magis-
trates to have
criminal juris-
diction at Rat
Portage.

3. The said Commissioners shall hold court together whenever this is practicable; and when so sitting, or when sitting apart, shall have co-ordinate authority; and no Justice of the Peace, Stipendiary Magistrate, or Commissioner of Police, appointed by the Lieutenant-Governor of either of the said Provinces, except the said Commissioners appointed under this agreement, shall hereafter exercise any jurisdiction or authority in criminal matters within Rat Portage.

Appointment
of constables.

4. The said Commissioners shall appoint as a police force such constables as they may from time to time think necessary. Special constables may be appointed and sworn in in cases where the law so provides. Every constable so appointed shall have authority in every part of the Disputed Territory North and West of the Height of Land. The Commissioners shall jointly have charge and control of the said police force and of all special and other constables. The Lieutenant-Governor of either Province may from time to time appoint additional and other constables at the expense of the Government appointing them.

Payment of
commissioners
and constables.

5. The salary of each Commissioner is to be borne by the Province appointing him, and each of the Provinces is to pay one-half of the expense of the police force employed jointly by the Commissioners.

Licenses here-
tofore issued
at Rat Portage
confirmed.

6. The licenses heretofore granted for Rat Portage or its neighbourhood under the authority of either Government, for taverns, shops, or public billiard tables, are hereby confirmed for

for the remainder of the year for which they have respectively been granted.

7. The said two Police Commissioners shall have the sole authority to grant new licenses for any of the said purposes in the said territory North and West of the Height of Land, but so that the whole number of tavern licenses in force in Rat Portage at one time shall not exceed twelve. Commissioners to have authority to grant new licenses.

8. The statutes in force in each Province in respect of the sale of fermented or spirituous liquors, and the regulation of licensed taverns and shops, and the penalties for the contravention of such statutes, shall, unless where otherwise provided by the present agreement, apply to the said Disputed Territory North and West of the Height of Land, as if the same were an undisputed part of such Province, and the said licenses had been issued under "*The Liquor License Act of Ontario*," and under the laws of Manitoba, respectively. If the laws of the said two Provinces conflict, the Commissioners shall have power to make regulations in respect of such matters, so as to remove the conflict. The issuing of licenses shall be subject to any valid paramount law in force from time to time. Laws of each Province in respect of the sale of spirituous liquors to apply to disputed territory.

9. The said Commissioners shall have the powers possessed by a Board of License Commissioners under the said License Act of Ontario, and the powers possessed by a Municipal Council under the laws of Manitoba (subject to any paramount law), and shall in respect of the licensing, regulating and governing all persons who for hire or gain keep, or have in their possession, or on their premises, a billiard table or tables, have the powers which are possessed by the Council of a town in Ontario or Manitoba. Such powers may be exercised by resolution. Powers of commissioners as to licenses.

10. The fees to be charged for the said licenses respectively shall be fixed by the said Commissioners, but the fee for a tavern license shall not be less than one hundred and fifty dollars, and the fee for a shop license not less than fifty dollars. No more than twelve tavern licenses shall be issued for Rat Portage. These sums are to cover all fees which may be payable by any one obtaining a license under any Provincial law, or any Dominion law, if any such should be in force. License fees.

11. The said Commissioners shall appoint an Inspector of Licenses who shall possess all the powers which are possessed by an Inspector of Licenses under the laws of either of the said Provinces. If the Commissioners cannot agree on the Inspector, each Lieutenant-Governor in Council may appoint an Inspector to hold office with the said powers until the Commissioners agree on one Inspector, and to be paid by the authority appointing him. Appointment of inspector of licenses.

Application
of license fees
and fines levied
in Rat
Portage.

12. The fees collected for said licenses in Rat Portage, and all fines levied in Rat Portage, for offences against Provincial or Municipal laws, and all other fines under Provincial authority, levied for offences committed in Rat Portage, shall be deposited in some branch office of the Bank of Ontario at least once a week to the credit of the Provincial Commissioners, and shall be applied, by joint cheques signed by the two Commissioners, in the first place to pay those expenses of the Board which are not hereinbefore provided for, and the balance on the first day of every month to be paid over by joint cheque as aforesaid to the Municipal Board hereinafter provided for, to be applied by the said Board to the purposes of the Municipality.

Application of
license fees and
fines levied in
territory outside
of Rat
Portage.

13. All fees collected for licenses for taverns, shops or billiard tables outside of Rat Portage, and all fines levied for offences against Provincial or Municipal laws committed outside of Rat Portage, and all other fines under Provincial authority for offences committed outside of Rat Portage North and West of the Height of Land, shall be paid into the said Bank to the joint credit of the Treasurers of Manitoba and Ontario, to be held in trust until the dispute as to the territory is decided.

Commissioners
to render
quarterly
accounts.

14. The Commissioners shall render to each Government a quarterly account of their receipts and payments with such other information as either Government may call for.

Election of
municipal
board for
Rat Portage.

15. The authority of the Council of Rat Portage, incorporated under the Statutes of Ontario and the by-laws thereof, respectively are hereby suspended, and the Municipal affairs of the said Town shall be administered by a Municipal Board to be composed of five members, who shall hold office until the said territorial dispute is determined by Her Majesty in Council, or until otherwise agreed by the said Governments; provided that in case of a vacancy by death or resignation, or by a member of the said Board ceasing to reside in Rat Portage, the remaining members shall have the like authority for taking all necessary proceedings for the holding of an election to fill such vacancy as is possessed by a Town Council in Ontario or Manitoba. Alexander Matheson, Hudson Bay Factor, is to be Returning officer at the first election. The Board shall be a corporation under the name of "The Municipal Board of Rat Portage," and shall possess every power and authority possessed by Municipal Councils of Towns in either of the said Provinces.

Settlement of
matters re-
specting which
Commissioners
differ.

16. In case the commissioners differ in regard to any matters of administration assigned to them by this Act, the Municipal Board of Rat Portage hereinafter mentioned shall have power as umpire to decide the matter so in difference.

Territory in-
cluded in
Rat Portage.

17. For the purposes of the next preceding section, Rat Portage shall include all the territory which was included within

within the incorporation, or supposed incorporation of Rat Portage under the Statutes of either Ontario or Manitoba.

18. Every male person who is a British subject of the age of twenty-one years, and who is at the time of the election and for not less than six months has been a resident freeholder or resident householder in the Municipality, shall be entitled to vote at the election; and such election is to be held on the fourth Tuesday after the Legislature of Manitoba has passed an Act confirming this Agreement. Voters.

19. The returning officer shall give notice of the place of holding every election under this Act, and shall, for the purposes of every election, have all the powers which belong to a returning officer at a municipal election under the laws of either of the said Provinces, and shall also have power to regulate and determine all matters and questions relating to the conduct of the election. Notice of election, powers of returning officer.

20. The returning officer shall, at the instance of any legal voter, require any person offering to vote to take the following oath or affirmation to be administered by the returning officer or any other person whom he may authorize. Oath of voter.

"You swear (*or affirm, as the case may be*) that you are a British subject by birth or naturalization; that you are twenty-one years of age or upwards; that you are now and for not less than six months have been a resident freeholder (*or householder as the case may be*) in this municipality; that you have not before voted at this election; that you have not received anything, nor have you accepted of any promise made to you directly or indirectly, either to induce you to vote at this election, or to indemnify you for your loss of time, or for any service connected with this election. So help you God."

21. Probates of Wills and Letters of Administration hereafter granted by a Surrogate Court of either Province in the case of persons domiciled or dying in the disputed territory North and West of the Height of Land are to be as valid as if issued by the Surrogate Courts of both Provinces. Provisions as to probates of wills, etc.

22. With respect to suits and actions which may be hereafter brought, or with respect to matters which may hereafter take place, respectively, and with respect to all offences which the Provinces have jurisdiction to deal with in this behalf, the Courts, Judges, Magistrates, and other officers of each Province shall have the same jurisdiction in the Disputed Territory North and West of the Height of Land as if the territory were in such Province. Provincial courts, judges, and magistrates to have jurisdiction in disputed territory.

23. With respect to all matters not provided for in the next preceding clauses, the Courts, Judges, Magistrates, Sheriffs and other officers of each Province shall not on any ground whatever Courts, etc., of one Province not to interfere with those of the other.

ever interfere with the Courts, Judges, Magistrates, Sheriffs and other officers of the other Province pending the dispute. But this clause is not to prevent any individual from setting up the question of jurisdiction in or in respect of any matter not covered by the next preceding two clauses.

Courts not to be held at places where courts not hitherto held.

24. Except by the consent of the two Governments, no Courts are to be held at any places in the territory North and West of the Height of Land in which Courts of that Province have not hitherto been held.

Commissions already granted to magistrates by one Province to confer same jurisdiction as if granted by both.

25. All Magistrates who now hold Commissions from the Lieutenant-Governor of either Province, which would give them jurisdiction in the said territory North and West of the Height of Land if the same were part of that Province, shall have jurisdiction in the said territory as if they held Commissions from the other Province as well as from their own Province.

New commissions to confer no authority unless granted by both Provinces.

26. No Magistrate hereafter appointed by the Lieutenant-Governor of either Province shall have jurisdiction in the said territory North and West of the Height of Land until he receive a Commission from the Lieutenant-Governor of the other Province.

Evidence in suits where boundary between Provinces is in question.

27. If in any suit or proceeding within Provincial jurisdiction the Boundary between Ontario and Manitoba do in the meantime come in question, the Court or other Judicial authority before which the question arises is, in dealing therewith, to take judicial notice of all the documents and facts which it has been agreed to submit to the Privy Council on the same question, and without the said documents and facts being put in evidence before such Court or other Judicial authority, and is to have power to draw such inferences from the said documents and facts as may be necessary.

Agreement of December 18, 1883, confirmed.

28. The agreement between the Governments of the two Provinces bearing date the eighteenth December, 1883, is hereby in all respects confirmed.

Agreement may be made with Dominion Government to refer to Privy Council questions as to boundary.

29. The Lieutenant-Governor in Council may agree with His Excellency the Governor-General that the Dominion of Canada may become a party to the said reference, or that the question of the northerly and westerly boundaries of the Province, so far as the said Dominion of Canada is concerned, be referred, separately or in any other way, to Her Majesty in Her Privy Council as aforesaid, and on any terms and conditions which may be agreed upon.

Commencement of Act.

30. This Act shall not go into effect until the Lieutenant-Governor has issued his Proclamation in that behalf.

CHAPTER 3.

An Act to define the limits of the Districts of Algoma, Muskoka, Parry Sound and Nipissing, and of the County of Renfrew.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The temporary judicial district of Nipissing shall consist of the townships of

Temporary
judicial
district of
Nipissing.

- | | |
|----------------|------------------|
| 1. Airey, | 23. Hugel, |
| 2. Appleby, | 24. Hunter, |
| 3. Awrey, | 25. Kirkpatrick, |
| 4. Badgerow, | 26. Lauder, |
| 5. Ballantyne, | 27. Lyell, |
| 6. Biggar, | 28. Mattawan, |
| 7. Bonfield, | 29. McCraney, |
| 8. Boulter, | 30. McKim, |
| 9. Boyd, | 31. McLaughlin, |
| 10. Butt, | 32. Murchison, |
| 11. Caldwell, | 33. Neelon, |
| 12. Calvin, | 34. Osler, |
| 13. Canisbay, | 35. Papineau, |
| 14. Chisholm, | 36. Paxton, |
| 15. Devine, | 37. Peck, |
| 16. Dryden, | 38. Pentland, |
| 17. Dunnet, | 39. Ratter, |
| 18. Ferris, | 40. Robinson, |
| 19. Field, | 41. Sabine, |
| 20. Finlayson, | 42. Springer, |
| 21. Hagar, | 43. Widdifield, |
| 22. Hawley, | 44. Wilkes. |

Together with any other territory included within the following description:—Commencing at the water's edge of the Georgian Bay, near the most westerly mouth of French river, in the production southerly of the east limit of the township of Humboldt; thence due north along a line formed by said produced limit, the east limit of said township of Humboldt, the limit between timber berths numbered 59 and 67, 60 and 68, 61 and 69 and along the east limits of the townships of Waters and Snider, and continuing due north to the northerly limit of the Province; thence along the said northerly limit of the Province easterly to the boundary between Ontario and Quebec; thence along the said boundary between Ontario and Quebec southerly and south-easterly to the north-west corner of the township of Clara; thence southerly and easterly along the

the westerly and southerly boundaries of the townships of Clara, Maria and Head to the westerly boundary of the township of Rolph; thence southerly along the westerly boundaries of the townships of Rolph, Wylie, McKay and Fraser to the north-east corner of the township of Richards; thence westerly along the northerly boundaries of the townships of Richards and Burns to the north-west corner of the said township of Burns; thence southerly along the westerly boundary of Burns to the north-east corner of the township of Jones; thence westerly along the northerly boundary of Jones to the north-east corner of the township of Lyell; thence southerly along the easterly boundary of Lyell to the south-east corner of Lyell; thence westerly along the southerly boundaries of the townships of Lyell and Sabine to the easterly boundary of the township of Clyde; thence northerly along the easterly boundaries of the townships of Clyde and Nightingale to the north-east corner of the township of Nightingale; thence westerly along the northerly boundaries of the townships of Nightingale, Lawrence, Livingstone and McClintock to the easterly boundary of the township of Sinclair; thence northerly along the easterly boundary of Sinclair to the southerly boundary of the township of Bethune; thence easterly to the south-east corner of Bethune; thence northerly along the easterly boundaries of the townships of Bethune, Proudfoot, Joly and Laurier, to the south boundary of the township of Himsworth; thence along the southerly and easterly boundaries of Himsworth to the north-east corner of Himsworth; thence westerly along the northerly boundary of Himsworth to Lake Nipissing; thence westerly along the main channel of said lake and along the main channel of French river, and along the channel which runs north of the more northerly of the two islands on which the town plot of Coponaning has been laid out, to a point where the waters divide into the North channel and the Bad River channel; thence to the northern shore of the North channel; thence along the said northern shore and the waters' edge of the Georgian Bay to the place of beginning.

Territorial
district of
Muskoka.

2. The territorial district of Muskoka shall consist of the townships of

- | | |
|--------------|-----------------|
| 1. Baxter | 12. Monck, |
| 2. Brunel, | 13. Morrison, |
| 3. Cardwell | 14. Muskoka, |
| 4. Chaffey, | 15. Oakley, |
| 5. Draper, | 16. Ridout, |
| 6. Franklin, | 17. Ryde, |
| 7. Freeman, | 18. Sinclair, |
| 8. Gibson, | 19. Stephenson, |
| 9. Macaulay, | 20. Stisted, |
| 10. McLean, | 21. Watt, |
| 11. Medora, | 22. Wood. |

And

And the villages of Bracebridge and Gravenhurst, together with the islands in the Georgian Bay lying west of the said territory and adjacent thereto, and the islands in the River Severn lying northerly of the middle of the main channel of the River Severn and adjacent to the townships of Baxter, Wood and Morrison.

3. The territorial district of Parry Sound shall consist of the townships of Territorial
district of
Parry Sound.

- | | |
|----------------|-----------------|
| 1. Armour, | 23. Laurier, |
| 2. Bethune, | 24. Lount, |
| 3. Blair, | 25. Machar, |
| 4. Brown, | 26. Mills, |
| 5. Burpee, | 27. McConkey, |
| 6. Burton, | 28. McDougall, |
| 7. Carling, | 29. McKellar, |
| 8. Chapman, | 30. McKenzie, |
| 9. Christie, | 31. McMurrich, |
| 10. Conger, | 32. Monteith, |
| 11. Cowper, | 33. Mowat, |
| 12. Croft, | 34. Nipissing, |
| 13. Ferguson, | 35. Patterson, |
| 14. Ferrie, | 36. Perry, |
| 15. Foley, | 37. Pringle, |
| 16. Gurd, | 38. Proudfoot, |
| 17. Hagerman, | 39. Ryerson, |
| 18. Hardy, | 40. Shawanaga, |
| 19. Harrison, | 41. Spence, |
| 20. Himsworth, | 42. Strong, |
| 21. Humphry, | 43. Wallbridge, |
| 22. Joly, | 44. Wilson. |

Together with any other territory included within the following description, that is to say:—Commencing at a point where the southerly boundary of the township of Conger intersects the waters of the Georgian Bay, being the south-west corner of the Township of Conger; thence easterly along the southerly boundary of the townships of Conger and Humphry to the south-east corner of the township of Humphry; thence northerly along the easterly boundary of Humphry to the north-east corner of Humphry; thence easterly along the southerly boundaries of the townships of Monteith, McMurrich, Perry and Bethune to the south-east corner of Bethune; thence northerly along the easterly boundaries of the townships of Bethune, Proudfoot, Joly and Laurier to the south boundary of the township of Himsworth; thence along the south and east boundaries of Himsworth to the north-east corner of Himsworth; thence westerly along the northerly boundary of Himsworth to Lake Nipissing; thence westerly along the main channel of said lake, and along the main channel of French river, and along the southerly boundary

boundary of the District of Nipissing to where the westerly boundary of the said District of Nipissing strikes the water's edge of the Georgian Bay; thence south-easterly along the easterly shore of the said Georgian Bay to the place of beginning, including Parry Island and the islands opposite to and along the shore of the said district.

County of
Renfrew.

4. The county of Renfrew shall, for municipal and judicial purposes, consist of the townships of

- | | |
|-------------------|------------------|
| 1. Admaston, | 20. Lyndoch, |
| 2. Algona, North, | 21. Maria, |
| 3. Algona, South, | 22. Matawatchan, |
| 4. Alice, | 23. McKay, |
| 5. Bagot, | 24. McNab, |
| 6. Blithfield, | 25. Pembroke, |
| 7. Bromley, | 26. Petewawa, |
| 8. Brougham, | 27. Radcliffe, |
| 9. Brudenell, | 28. Raglan, |
| 10. Buchanan, | 29. Richards, |
| 11. Burns, | 30. Rolph, |
| 12. Clara, | 31. Ross, |
| 13. Fraser, | 32. Sebastopol, |
| 14. Grattan, | 33. Sherwood, |
| 15. Griffith, | 34. Stafford, |
| 16. Hagarty, | 35. Westmeath, |
| 17. Head, | 36. Wilberforce, |
| 18. Horton, | 37. Wylie, |
| 19. Jones, | |

And the Villages of—

- | | | |
|--------------|--------------|-------------|
| 1. Arnprior, | 2. Pembroke, | 3. Renfrew. |
|--------------|--------------|-------------|

Easterly limit
of provisional
judicial dis-
trict of
Algoma.

5. Subject to the authority of the Lieutenant-Governor by proclamation to alter the limits of the said district of Nipissing or of the district of Algoma, and subject to the provisions of section 2 of the Act passed in the forty-third year of Her Majesty's reign, chapter 12, the westerly limit of Nipissing as above defined shall be the easterly boundary of the provisional judicial district of Algoma.

Descriptions
of districts of
Muskoka,
Parry Sound
and Nipissing,
substituted
for those in
R.S.O., cc.
5 & 7.

6. The above descriptions of the said districts of Muskoka and Parry Sound shall be substituted for the descriptions of the said districts contained in the Revised Statutes of Ontario, chapters 5 and 7; and the above description of the said district of Nipissing shall be substituted for that contained in the said Revised Statute, chapter 5.

Electoral dis-
trict of Mus-
koka and
Parry Sound.

7. The districts of Muskoka and Parry Sound, as above defined, shall together constitute the electoral district of Muskoka and Parry Sound.

Eastern bound-
ary of provi-

8. The said easterly boundary of the provisional judicial district

district of Algoma shall also be the easterly boundary of the electoral district of Algoma, and such territory (if any) as is by this Act added to the provisional judicial district of Algoma is also added to the electoral district of Algoma.

provisional judicial district of Algoma to be easterly boundary of electoral district.

9. Nothing in this Act contained shall affect the authority of the Lieutenant-Governor in Council under section 28 of the said Revised Statutes, chapter 7.

Authority of Lieutenant-Governor under R.S.O., c. 7, s. 28, not affected.

CHAPTER 4.

An Act for the Amendment of the Election Law and for the better prevention of Corrupt and Illegal Practices at Elections to the Legislative Assembly.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Election Law Amendment Act, 1884.*" Short title.

Corrupt Practices.

2. (1) Any person who aids or abets, counsels or procures, the commission of the offence of personation, shall be deemed guilty of corrupt practice. Personation to be a corrupt practice.

(2) A person shall be deemed to be guilty of the offence of personation who, at an election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name. Personation defined.

3. (1) Any candidate who, before or during the election, makes a bet or wager, or takes a share or interest in, or in any manner becomes a party to, any bet or wager, upon the result of the election in the electoral district, or in any part thereof, or on any event or contingency relating to the election, shall be guilty of corrupt practice. Wagering or betting to be a corrupt practice.

(2) Any candidate or other person who provides money to be used by another in betting or wagering upon the result of an election to the Legislative Assembly, or on any event or contingency relating to the election, shall be guilty of corrupt practices.

(3) Any person who for the purpose of influencing an election makes a bet or wager on the result thereof, in the electoral district or any part thereof, or on any event or contingency relating thereto, shall be guilty of corrupt practice.

Voting by prohibited persons and publishing of false statements of withdrawal to be illegal.

4. Any person who votes or induces or procures any person to vote at any election, knowing that such person has no right to vote at such election, shall be guilty of a corrupt practice, and shall be liable to a penalty of one hundred dollars.

Votes to be struck off on scrutiny when corrupt practice is proved.

5. In case a candidate or the agent of a candidate is proved to have committed any corrupt practice with respect to a voter, there shall on a scrutiny be struck off from the number of votes given for such candidate one vote for every person in regard to whom such corrupt practice is proved to have been committed, and without any examination of the ballot paper or other evidence to ascertain how such voter in fact voted.

Substitution of petitioner where petitioner not qualified.

6. In case a petitioner in an election petition shall not be qualified to be a petitioner, the petition shall not, on that account, be dismissed, if within such time as the Court or Judge shall allow for that purpose another petitioner be substituted, which substitution may take place on such terms and conditions as to the Court or Judge may seem meet.

Election Trials.

Continuation of trial of election petition.

7. The trial of every election petition, so far as is practicable consistently with the interests of justice in respect of such trial, shall be continued *de die in diem* on every lawful day until its conclusion; and in case the rota of Judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said Judges shall continue for the purpose of the said trial and proceedings.

If election held void member returned not to sit pending appeal.

8. In case the Judge or Judges trying an election shall decide that the election or return was void, the member returned shall not be entitled to take his seat or vote in the Legislative Assembly pending an appeal from the decision.

Writ not to issue pending appeal.

9. In case a decision of the Judge or Judges declaring an election or return to be void is appealed from, a writ for a new election shall not be issued for eight days after the decision is given, and if an appeal is meantime brought from the part of the decision which declares the election or return to be void, the writ shall not issue pending the appeal.

Effect of difference of opinion between Judges by whom the case is tried.

10. (1) In case of a trial before two Judges, every certificate, and every report sent to the Speaker shall be under the hands of both Judges.

(2)

(2) If the Judges differ as to whether the member whose return or election is complained of was duly returned or elected, they shall certify that difference, and the member shall, subject to appeal, be deemed to be duly elected or returned.

(3) If the Judges determine that such member was not duly elected or returned, but differ as to the rest of the determination, they shall certify that difference, and the election shall, subject to appeal, be deemed to be void.

(4) If the Judges differ as to the subject of a report to the Speaker, they shall certify that difference, and make no report on the subject on which they so differ.

(5) If the Judges differ as to any matter on which under sections 159 and 162 of the *Election Act*, or otherwise, any disqualification, disability or liability to a penalty depends, they shall certify such difference, and the candidate shall not be disqualified or subject to a disability or penalty.

(6) There shall be no appeal from a decision of the judges finding that a candidate or other person has not been guilty of corrupt practices, or finding in favour of a candidate any of the matters of defence mentioned in section 162.

11. In case of a disagreement between the Judges, as mentioned in section 57 of the Revised Statutes of Ontario, chapter 11, and any party is entitled to the opinion of the Court of Appeal with respect to the matter of the disagreement, such party, if he desires such opinion, shall be required to make within eight days from the day on which the said disagreement was announced or certified, the same deposit by way of security for costs, and the proceedings in the matter shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Judges.

Proceedings on appeal in case of disagreement between Judges.

12. The Indians or persons with part Indian blood who are entitled to vote where there is no voters' list shall be the following, namely:—"All Indians or persons with part Indian blood who have been duly enfranchised, and all unenfranchised Indians or persons with part Indian blood who do not participate in the annuities, interest, moneys, or rents of a tribe, band or body of Indians, and do not reside among Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions, as other persons in the electoral district."

Indian voters where there is no voters' list.

13. Where there is no voters' list any person alleged by a candidate or the agent of a candidate to be an Indian, or person with part Indian blood, shall, if required by such candidate or agent, or by the returning officer, take the following oath or affirmation in addition to any other oath required of a voter under the law.

Oath of Indian voter.

You swear that you do not participate in the annuities, interests, moneys or rents of any tribe, band or body of Indians, and do not reside among Indians.

Or, at his option, the following :—

You swear that you are not an Indian, nor a person with part Indian blood.

Amendments of Specified Sections.

R. S. O., c. 10, s. 7, par. "Fifthly" repealed. **14.** That paragraph of section 7 of the *Election Act* which begins with the word "Fifthly," is hereby repealed, and the following substituted :—

Voters in Algoma.

"Fifthly, in such of the municipalities, townships and places in the electoral districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew and Muskoka and Parry Sound as have no assessment roll, every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election actually and *bona fide* owner of real estate, in the electoral district for which he claims to vote, of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election."

"Owner,"

(2) A person is not an owner within the meaning of the said provision designated fifthly, where the land of which he claims to be owner has never been granted or patented by the Crown; and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house.

"Resident householder."

Residence required to qualify voter in certain cases.

(3) In any part of the electoral district of Algoma or Muskoka and Parry Sound in which there is no assessment roll or voters' list, residence by an owner shall be necessary, and for the same period as by a householder, in order to qualify a voter.

(4) No person shall be entitled to vote in unorganized territory on property which is wholly or partly in an organized municipality.

R. S. O., c. 10 s. 33 amended. **15.** Section 33 of the *Election Act* is hereby amended by adding thereto the following sub-section :—

Unforeseen delay in opening elections.

(2) In case the returning officer, from any unforeseen delay, accident or otherwise, does not open the election until after the hour named, the election shall not, on that account, be invalid if it appears to the tribunal having cognizance of the question that the delay did not affect the result of the election.

R. S. O., c. 10, s. 55, amended. **16.** Section 55 of the *Election Act* is hereby amended by adding to the first sub-section thereof the following words: "and the place where, and the time when the Returning Officer shall sum up the number of votes given to the several candidates."

17. (1) Section 57 of the *Election Act* is hereby repealed, R. S. O., c. 10, s. 57, repealed.
and the following provisions are substituted therefor:—

In the district of Algoma a poll shall be opened and held Polling places in district of Algoma.
at each of the places hereinafter mentioned, namely, in municipalities:—

Hilton.	Sandfield Township.
Tenby Bay.	Richard's Landing.
Sault St. Marie.	Mountain School.
Manitowaning Village.	Korah.
Blue Jay River.	Sandfield Mills.
Mindemoya Lake.	Mudge Bay.
Little Current.	Shequeandah.
Providence Bay.	Michaels Bay.
Gore Bay.	Burpee.
Barrie Island.	Green Bay.
North Ward, Port Arthur.	South Ward, Port Arthur.
Fort William.	Murillo.
Oliver Township.	Rat Portage.
Cockburn Island.	Big Lake.

And in unorganized territory, at the following places:—

Killarney.	Nepigon.
Spanish River.	Collins Inlet.
Serpent River.	Algoma Mills.
Bruce Mines.	Mississagua River.
Day Mills.	Thessalon River.
Desert Lake.	Dunn's Valley.
Kewatin Mills.	Tarbott, near Port Finlay.
Rainy River.	Fort Francis.
Orchards, McDonald	Vermilion Bay.
Township.	Garden River.
Goulais Bay.	Mamainse Mines.
Coffin Additional.	Michipicoten Island.
Robinson.	Silver Islet.
Michipicoten River.	West Bay.

(2) The Lieutenant-Governor in Council may from time to time add other polling-places to those named.

(3) The returning officer shall establish as many polling-places at the places before mentioned as he may consider requisite, and may appoint other places in addition to those named in this section.

(4) There shall be at least one polling-place in every municipality for which there is an assessment roll.

18. (1) Where, in a surveyed township, there is no voters' list but there is a polling-place, every voter in respect of property in the township shall vote at the polling-place or one of the polling-places in the township, and not elsewhere. Where voters are to vote in townships not having any voters' list.

(2) Where, in a surveyed township, there is no voters' list and no polling-place, every voter in respect of property in the township shall vote at the polling-place nearest to the property in respect of which he votes, and not elsewhere.

(3) In the case of territory not surveyed into townships,
every

every voter in respect of property in such unsurveyed territory shall vote at the polling-place nearest to the property in respect of which he votes, and not elsewhere.

(4) In the cases provided for in the last two sub-sections, if it is doubtful which of two polling places is the nearer to the voters' property he may vote at either of such polling places.

(5) In case through accident or mistake a vote was not given at the nearest polling place, the same shall not on that account be void.

When Deputy
Returning
Officer to
refuse vote.

19. (1) Where there is no voters' list, the deputy returning officer shall not receive or enter the vote of any person who, to the knowledge of such deputy returning officer, is not entitled to vote.

(2) Any person whose vote is rejected and who takes the prescribed oaths shall be entitled to mark a tendered ballot paper; and the same shall be dealt with as provided for tendered ballot papers in other cases under section 102 of the *Election Act*.

Deputy Re-
turning
Officer not
subject to pen-
alty for reject-
ing vote in
good faith.

20. Where there is no voters' list, in case a deputy returning officer rejects the vote of a person entitled to vote, if his rejecting the vote was in good faith and from believing, and having reasonable grounds for believing, that such person was not entitled to vote, such deputy returning officer shall not be subject to any penalty.

When voters'
lists in elec-
toral districts
specified in
sec. 22, not
rendered inva-
lid by defect
or error.

21. No assessment roll or voters' list in the electoral districts named in the next section, shall be invalid for the purpose of an election to the Legislative Assembly, by reason of any defect or error heretofore committed in regard to such rolls or voters' lists, or in the proceedings required by law for preparing and perfecting such rolls or lists, unless it appears to the tribunal having cognizance of the question that such defect or error affected the result of the election.

R.S. O. c. 10, s.
78, repealed.

22. Section 78 of the *Election Act* is hereby repealed, and the following substituted therefor:—

Provisions for
municipalities
in Algoma,
etc., where
there is an
assessment
roll but no
voters' list filed
or certified.

78. (1) In any municipality in the electoral districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew and Muskoka and Parry Sound, where there is an assessment roll, but for which no voters' lists containing the names of the voters in such municipality have been filed with the clerk of the peace, or certified by the county judge, the returning officer shall, upon receipt of the writ, procure from the clerk of the municipality an alphabetical list or lists of all persons entitled to vote in the municipality or in the polling sub-divisions thereof (if the municipality is divided into polling sub-divisions); and the clerk shall forthwith, upon being requested so to do, furnish the

the returning officer with such list or lists, having first certified to the correctness thereof before a justice of the peace.

(2) Every list of voters so prepared (or a similar list otherwise procured by the returning officer, at the expense of the clerk, in case of the failure of the clerk to furnish the same within a reasonable time), shall be the voters' list to be used at the election for such municipality or polling sub-division.

(3) In every municipality in the said districts in which there is an assessment roll, it shall be necessary that the name of the elector shall appear upon the list of voters prepared under this section, or under *The Voters' Lists Act*; and in such case the same provisions as to qualification of voters and other matters shall apply as in other electoral districts, and the oath or affirmation to be required of voters shall be the same, save as mentioned in the next sub-section.

(4) No person shall be entitled to vote in any such municipality as an owner in respect of ungranted land, that is of land not theretofore granted by the Crown; but in case a person who is a resident householder within the meaning of this Act is entered in the assessment roll or voters' list as an owner or a freeholder, he may, notwithstanding, vote as a resident householder, provided that, if required by any candidate or the agent of any candidate, or by the deputy returning officer, such person takes the oath or affirmation set forth in the First Schedule to this Act.

23. (1) Section 92 of the *Election Act* is hereby repealed, and the following provisions are substituted therefor: R.S.O. c. 10, s. 92, repealed.

(2) In such of the municipalities, townships, and places in the electoral districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew, and Muskoka and Parry Sound as have no assessment rolls, the person claiming to be entitled to vote shall declare his name, place of residence and occupation or calling, and also the property in respect of which he claims to be entitled to vote; and whether he so claims as owner of such property, or as a householder; and the deputy returning officer shall cause the said particulars to be entered upon a list in the same manner as is prescribed in section 102 of the said Act, with reference to the tendered voters' list; and the list shall be dealt with in the same manner as the tendered voters' list is directed to be dealt with by sections 109 and 110 of the said *Election Act*.

Declaration to be made by electors in municipalities in Algoma and other electoral districts where there is no assessment roll.

Deputy Returning Officer to enter particulars of declaration.

(3) In any such place, every person who offers to vote at any polling place shall, if required by any candidate, or the agent of any candidate, or by the deputy returning officer, take, in lieu of the oath prescribed by section 91 of the *Election Act*, an oath or affirmation according to one of the forms of oaths given in the second schedule to this Act; and the deputy returning officer is hereby empowered to administer the said oath.

(4)

Ballot paper not to be delivered until particulars declared and entered.

(4) The deputy returning officer shall not deliver a ballot paper to any person claiming to vote, until after such person has declared the several particulars above mentioned, nor until after these have been entered in the said list, nor until after the prescribed oath has been taken if required.

R.S.O. c. 10, s. 116, amended.

24. Section 116 of the *Election Act* is hereby amended by inserting the following words after the word "shall," in the third line: "at the place and time named from the hustings for this purpose when granting a poll."

R.S.O. c. 10, s. 117, amended.

25. (1) Section 117 of the *Election Act* is hereby amended by striking out the words "after the receipt of all the ballot papers and statements relating to such election," and substituting in lieu thereof "within the time hereinafter limited."

Application for recount of votes.

(2) Where there is a District Judge, the application for a recount shall be made to him, or to one of the District Judges if there are more than one having jurisdiction in the Electoral District or some part thereof; and those sections of the *Election Act* which provide for or regulate a recount by a County Judge, shall apply to a recount by a District Judge.

Before whom affidavit for recount may be made.

(3) The affidavit required in order to a recount of votes, may be made before either a commissioner for taking affidavits, or a justice of the peace, or the election clerk.

Time within which application to be made.

(4) The application for the appointment is to be within four days after the returning-officer has, under section 116, cast up the number of votes for each candidate, and, subject to a recount, ascertained the result of the poll, and declared the candidate having the highest number of votes.

Time appointed for recount.

(5) The time appointed for the recount shall not be more than four days from the date of the appointment.

Notice of recount.

(6) Notice of the recount shall be served on the candidates appearing to be elected or their agents not less than two days before the time appointed for the recount, or within such other time as the judge may direct.

Attendance of Clerk of County Court.

(7) The Judge may require the Clerk of the District or County Court, as the case may be, to be present at any recount of votes.

Who may be present.

(8) The candidates, and one agent for each candidate, shall be entitled to be present during the said proceedings; and if any candidate is not present in person, two agents for such candidate shall be entitled to be present.

R. S. O., c. 10, s. 154, amended.

26. Section 154 of the *Election Act* is hereby amended by adding after the word "polls," in the third line the words, "the providing or furnishing railway tickets or passes free of charge for the conveyance of voters to or from the polls."

R. S. O. c. 10, s. 159 amended.

27. Section 159 of the *Election Act* is hereby amended by

by substituting the words "practice or practices" for the words "act or acts," wherever these words occur in the said section.

28. Section 161 of the *Election Act* is hereby amended by inserting the following words after the words "an election," in the fourth line, "and that the next section does not apply, then." R. S. O. c. 10, s. 161 amended.

29. Section 162 of the *Election Act* is hereby amended by inserting after the word "Judges" the words "or one of them." R. S. O. c. 10, s. 162 amended.

30. Section 166 of the *Election Act* is hereby amended by adding thereto the following words, "and so found and reported by the Judges in deciding that the former election was void, such finding not being reversed in appeal." R. S. O. c. 10, s. 166, amended.

31. Section 175 of the *Election Act* is hereby repealed and the following substituted therefor:— R. S. O. c. 10, s. 175 repealed.

175. (1) In case, in and by an affidavit filed at, before, or after the trial of an election petition, or from the evidence at the trial, any person not a party to the petition is charged with, or appears to have committed, any corrupt practice or other illegal act in connection with the election, the judges or judge trying the petition, or any judge upon the rota for the trial of election petitions, may order such person to be summoned to appear to answer the charge or charges stated in such summons at a time and place to be named in the summons. Procedure by summons in case charge of corrupt practice made against person not a party to petition.

(2) Such summons may be issued or returnable at any place in this Province, and may be heard and disposed of by any judge or judges upon the rota for the trial of election petitions or by any judge of the High Court holding a sittings of the said court for the trial of civil or criminal causes. Issue and hearing of summons.

(3) Every summons issued under this section may be served by delivering a copy of the summons to the person summoned, or to some inmate of his usual place of abode at such place of abode. Service of summons.

(4) Upon the return of the summons and upon proof of service thereof, whether the person charged appears or not, the judge or judges attending to hear the matters charged, or before whom the summons is returnable, shall investigate and dispose of the said case in a summary manner, and shall have the same powers, jurisdiction and authority for such investigation as two judges sitting at the trial of an election petition have for the investigation of a charge of a corrupt practice alleged in the petition to have been committed by the candidate against whom the petition is filed, and shall have authority, from time to time, and from place to place, to adjourn the hearing of the case or the giving of his or their decision. On return of summons judge to dispose of case.

Authority and powers of judge.

(5) In case the person so summoned neglects or refuses to attend Refusal to attend on summons.

attend in pursuance of such summons, then upon proof being made of such person having been duly summoned, the judge or judges may either issue his or their warrant to compel the appearance of such person, or if he was personally served, or if the judge or judges is or are satisfied that he is aware of the summons and might have been present had he so desired, may pronounce judgment in his absence.

Person charged to be allowed to make full defence.

(6) The person charged with committing the corrupt practice or other illegal act shall be allowed to make his full answer and defence and to have all witnesses examined and cross-examined by counsel.

If person convicted judgment to be given for money penalty.

(7) If, either from the admission of the party or from the evidence adduced, the judge or judges is or are satisfied that the person charged has committed any corrupt practice or practices or illegal act or acts mentioned in the summons, he or they shall adjudge that the said person has committed such corrupt practice or practices, or illegal act or acts, and shall order such person to pay to the person at whose instance the summons was issued, hereafter called the prosecutor, the amount of the money penalty or penalties which is or are by law assigned to the offence or offences of which such person has been convicted as aforesaid, and the same shall be a bar to any other proceeding for the penalty or penalties so ordered to be paid.

Notice to person charged when present.

(8) If the person who appears to have committed such corrupt practice or illegal act, or is charged with having committed the same, is present in court, the said judge or judges, instead of ordering such person to be summoned as aforesaid, may then and there state to him the offence or offences which he appears to have committed, or is charged with having committed, and may appoint a time and place for hearing and adjudicating in respect thereof, and thereupon the same proceedings may be had as if a summons had issued in respect of the said offence or offences.

Judge may direct prosecution.

(9) Where, from the evidence given at the trial as aforesaid, there appears reason to believe some person has committed a corrupt practice or illegal act, the judge or judges who are trying, or have tried, the petition may direct the County Attorney, or may direct any other solicitor or counsel who is then present, to institute or carry on proceedings under this section on behalf of Her Majesty.

Judge to sentence person convicted to proper punishment in addition to money penalty.

(10) If any punishment in addition to or instead of a money penalty is by law assigned to the commission of any offence of which such person has been found guilty, the said judge or judges shall sentence the person so found guilty to undergo such punishment and shall give all necessary directions in respect thereto, and in case imprisonment is imposed (whether with or without hard labour), the judge or judges may direct in what gaol or other place of confinement the person convicted

victed shall be confined, or in default of any place being named such imprisonment shall be in the common gaol of the county or district in which such sentence is pronounced, and such sentence may be pronounced in the absence of the person convicted.

(11) Where a money penalty or penalties is or are imposed the judge or judges, unless the prosecutor elects to recover the amount imposed by process sued out of the High Court, shall direct that in default of the amount being paid forthwith or within a time not exceeding one month, to be limited by the judge or judges, the person convicted shall be imprisoned for a period not exceeding one year, either with or without hard labour, in any gaol, or other place of confinement to be named by such judge or judges, unless the amount of such penalty or penalties shall be sooner paid; and in default of any place being named, such imprisonment shall be in the common gaol of the county or district in which such sentence is pronounced.

Imprisonment to be directed in default of payment of money penalty unless prosecutor otherwise elects.

(12) For the infliction of the imprisonment imposed, whether such imprisonment is in the first instance or is in default of payment of any penalty or penalties, the judge or judges shall have the like authority as a Court of Oyer or Terminer, or a judge presiding thereat, has to give effect to the judgment of the court, and the sheriff and gaoler shall obey all orders of the said judge or judges made in that behalf.

Authority of judge with respect to imprisonment.

(13) If the prosecutor elects to recover the amount imposed, by process sued out of the High Court, the judge or judges shall make an order for payment forthwith without directing imprisonment in default, and the prosecutor may thereupon file such order or a duplicate thereof with the registrar of any of the divisions of the High Court, and thereafter writs of execution may be issued thereon out of the High Court, and any other proceedings may be had or taken thereon, or in respect thereto, which might be had or taken upon, or in respect to, an ordinary judgment of the said High Court in the same division.

Prosecutor may recover penalty by same process as in case of an ordinary judgment.

(14) In case within one month after the imposition under this section of any penalty it is made to appear that an action or suit had been commenced for the recovery of such penalty before the issue of the summons, the judge or either of the judges who imposed the penalty under this Act may direct that a proportion of the amount recovered, after the full costs and disbursements of the prosecutor have been paid, shall be paid over to the plaintiff in such action or suit, and in case the terms of such order are not obeyed the person in whose favour it was made, may, after one month from the date thereof, sue the said prosecutor in any Court of competent jurisdiction for the amount to which such plaintiff is entitled, as for money received by the prosecutor for the use of the plaintiff. If after an order has been made under this sub-section, it appears that the plaintiff in any other action or suit is also entitled to apply hereunder, and if he so applies, the terms of the previous order may be varied as in view of such other application may seem just.

Provision where penalty has been sued for before summons issued.

(15)

Costs.

(15) The judge or judges trying any charges under this section shall have power to direct by whom the costs of the prosecutor or person charged, or any part thereof, shall be paid, and where such costs are payable by a person convicted, payment shall be enforced in the same manner as the payment of the penalty or penalties, and shall be included in the same order. Where such costs are payable by a prosecutor, payment thereof may be enforced in the manner provided (in the case of a penalty) by sub-section 13.

R. S. O. c. 66,
s. 44, to apply
to executions
under this
section.
Application
of money
penalties.

(16) Section 44 of the *Execution Act* shall apply to any execution issued under this section.

(17) All moneys received by any private prosecutor under this section shall belong one-half to the Crown and the other half to the said prosecutor.

R. S. O. c. 10,
s. 197, amend-
ed.

32. Section 197 of the *Election Act* is hereby amended by substituting the word "directions" for the word "rules" in the third line.

R. S. O. c. 11,
s. 38, amend-
ed.

33. Section 38 of the *Controverted Elections Act* is hereby amended by inserting after the words "a corrupt practice," in the fifth line, the words "or disqualified."

R. S. O. c. 11,
s. 64, amend-
ed.

34. Section 64 of the *Controverted Elections Act* is hereby amended by inserting after the word "days" the words "after the security for costs has been given."

42 V., c. 4, s. 4,
amended.

35. Section 4 of the *Act to make further provision respecting Elections of members of the Legislative Assembly* is hereby amended by substituting the word "District" for the word "Districts" and striking out the words "and of Muskoka and Parry Sound."

42 V., c. 4, s. 5,
amended.

36. Section 5 of the said Act is amended by substituting for the words "each of the said districts," the words "the said District."

42 V., c. 4, s.
8, amended.

37. Section 8 of the said Act is hereby amended by striking out the words "the returning officer" where the same secondly occurs in the said section, and by inserting in lieu thereof the words "and in cases where, from unforeseen delays, accidents, or otherwise, as aforesaid, the returning officer is unable to open the election within the prescribed hours on the day he fixed for that purpose, he."

Miscellaneous.

Actions for
penalties to be
tried by
judge without
jury.

38. Actions brought in the High Court, or any other Court, for penalties hereafter incurred under the *Election Act*, or the *Voters Lists' Act*, or this Act, shall be tried by a Judge without a jury.

39. Where an Election Court reports that any persons named therein have been guilty of corrupt or illegal practices it shall be the duty of the County Attorney to prosecute such persons for the offences mentioned.

Prosecution of persons reported for corrupt practices.

40. In an action for a penalty under the *Election Act* the plaintiff shall give security for the costs of the action if so required on behalf of the defendant.

Security for costs.

41. Any oath which the law provides for in respect of any election to the Legislative Assembly may be administered either by the election clerk, or by such other officer as is heretofore provided in that behalf.

Administration of oaths.

42. In case, by reason of riot or other emergency, an election, or the voting at any polling place, is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the Returning Officer or Deputy Returning Officer, as the case may be, shall hold or resume the election or polling on the following day, at the hour of nine o'clock in the forenoon, and continue the same from day to day if necessary, until a fair opportunity for nominating candidates is given, or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote.

Provision when election, or polling not commenced or interrupted by reason of riot etc.

43. (1) In the *Election Act* and the *Controverted Elections Act* and this Act the expression "candidate at an election" and the expression "candidate" respectively mean, unless the context otherwise requires, any person elected at such election to serve in the Legislative Assembly, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued ;

Definition of candidate, and saving for persons nominated without consent.

(2) Provided that where a person has been nominated as a candidate, or declared to be a candidate by others, then—

(a) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to such nomination or declaration or has been elected ; and

(b) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the Second Schedule to this Act, and the election agent shall, so far as circumstances admit, comply with the provisions of this Act with respect to expenses incurred on account

account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent.

Repeal.

44. The Acts set forth in the Fourth Schedule to this Act are hereby repealed from the commencement of this Act to the extent in the third column of that schedule mentioned.

Application of preceding sections.

45. The preceding sections of this Act apply only to future elections to this Assembly or to any subsequent Assembly, and to proceedings therein or growing out of the same.

R.S.O., c. 17, to apply to matters connected with elections, and to attempts to corrupt members of Legislative Assembly.

46. (1) The *Act respecting Inquiries concerning Public Matters* shall be deemed to apply to matters connected with elections to the Legislative Assembly, and to the proceedings in any such election; but no commission shall issue except where no petition has been presented complaining of the return within the time prescribed, or except where, if a petition has been presented, the proceedings thereon have terminated.

(2) The said Act shall be deemed to apply also to any attempts, or alleged attempts, to corrupt the successful candidate at such elections or members of the Legislative Assembly after their election, whether such attempts were made before or subsequently to the passing of this Act, and notwithstanding that the persons charged with such attempts may be liable to criminal prosecution in respect thereof, and notwithstanding that criminal proceedings against them may have been commenced or concluded. The commission may be issued authorising an inquiry into any such attempts as aforesaid, and such commission need not minutely specify the particular matters of inquiry.

(3) The Legislative Assembly, upon the evidence taken under the commission being submitted to it, may take, under section 45 of the *Revised Statute respecting the Legislative Assembly*, or under any other authority belonging to the Assembly, such action as the said Legislative Assembly deems proper, as fully as if such evidence had been given at the bar of the Assembly.

(4) No action shall be taken against any person so charged founded upon evidence given by any witness unless it appears that such person had an opportunity of appearing before the Commissioner and cross-examining such witness either at the time that he was examined in chief or subsequently, and that such person had also an opportunity of calling witnesses on his own behalf.

Act to be read with R. S. O. cc. 10, 11,

47. This Act shall be read as part of the *Election Act* and of the *Controverted Elections Act*.

Doubts respecting elec-

48. To remove doubts, it is hereby declared that it has been, and

and is, the policy of the election law, and the intention and meaning of the several statutes in that behalf, that no election was or is void for any irregularity on the part of the returning officer, unless it appears to the tribunal having cognizance of the question that the irregularity affected the result of the election; and that no candidate or other person is disqualified or subject to any disability or penalty for any corrupt practice or alleged corrupt practice, without the concurrent judgment to that effect of the two judges by whom the election petition is tried; that this applies to section 162 of *The Election Act*, and the conditions and circumstances therein mentioned, as well as to other matters on which corrupt practices or the consequences thereof in any way depend; and that, in case of an election being set aside and a new election had, to the same Legislative Assembly or otherwise, the new election cannot be avoided by setting up corrupt acts or practices by the candidate in or during the former election, or affecting the same, which were not set up and proved at the former trial, and so adjudged by the two judges at the former trial, or by the court of appeal before the subsequent election, as by law to involve such disqualification, disability or penalty.

tion law
removed.

FIRST SCHEDULE.

FORM OF OATH TO BE TAKEN IN MUNICIPALITIES IN ALGOMA AND MUSKOKA AND PARRY SOUND, WHERE THERE IS A VOTERS' LIST,

By persons who vote as resident householders, but are entered in the list as owners or freeholders.

You *swear* (1) that you are the person named, or purporting to be named by the name of _____ on the list of voters now shewn to you. (2)

That you are actually, truly and in good faith a resident householder of this electoral district, in respect of the property for which you are assessed in this municipality as owner (*or freeholder*), and for which you are entered as such in the list of voters now shewn to you.

That you are now, and have been continuously for the six months immediately preceding this date, actually, truly, and in good faith, a resident of this electoral district;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty, either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling-place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

SECOND SCHEDULE.

FORMS OF THE OATH TO BE TAKEN BY VOTERS IN ALGOMA AND MUSKOKA AND PARRY SOUND, WHERE THERE IS NO ASSESSMENT ROLL OR VOTERS' LIST.

Resident Owner's Oath.

You swear (1) that you are A. B. (2) ; and that you have not voted before at this election, either at this or any other polling place ;

That you are actually, truly, and in good faith, possessed to your own use, as owner, of the land in respect of which your name has now on your information been entered on the Deputy Returning Officer's list ; that you have been such owner of the said property for the six months next preceding this election ; that the said land has been patented, and is of the value of at least two hundred dollars ;

That you are now, and have been continuously for six months immediately preceding this date, actually, truly, and in good faith a resident of this Electoral District ;

That you are entitled to vote at this election in respect of the said property ;

That this, to the best of your belief, is the polling place nearest to the said property ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty, either by birth or by naturalization ;

That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, to induce him either to vote or to refrain from voting at this election : So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(2) Insert here the name of the voter.

Resident Householder's Oath.

You swear (1) That you are A. B. (2) ; and that you have not voted before at this election, either at this or any other polling place ;

That you are actually, truly, and in good faith, a resident householder in the said district, in respect of the property which has now on your information been entered on the Deputy Returning Officer's list as the property on which you vote.

That you are now, and have been continuously for the six months immediately preceding this date, actually, truly, and in good faith, a resident householder of this Electoral District ;

That you are entitled to vote at this election in respect of the said property ;

That this, to the best of your belief, is the polling place nearest to the said property ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty, either by birth or by naturalization ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person to induce him either to vote or to refrain from voting at this election. So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) Insert here the name of the voter.

THIRD SCHEDULE.

Indian's Oath, (Sec. 12.)

Where there is not an assessment Roll, if a candidate or his agent alleges that the voter is an Indian, one or other of the following oaths is to be administered to such voter, the voter having the right to select which.

"You *swear* that you do not participate in the annuities, interests, moneys, or rents of any tribe, band or body of Indians, and do not reside among Indians,"

or,

"You *swear* you are not an Indian, nor a person with part Indian blood."

The oaths required of other Voters are to be taken as in other cases, if required.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

CHAPTER.	SHORT TITLE.	EXTENT OF REPEAL.
R. S. O., c. 10.	The Election Act.	Sec. 7. The paragraph marked "Fifthly." Sec. 57. Sec. 78. Sec. 92. Sec. 160. Sec. 175.
R. S. O., c. 11.	The Controverted Elections Act.	Schedule A., Form 22. Sec. 2, sub-section 5.

CHAPTER 5.

An Act for the relief of certain Deputy Returning Officers.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS, at the last general election for members to represent the district of Algoma, and the districts of Muskoka and Parry Sound, in the Legislative Assembly, there were no voters' lists in Algoma, and none in parts of Muskoka and Parry Sound, and various deputy returning officers, in the discharge of their duties, acted on the supposition and belief that in places for which there are no voters' lists, it was their duty as deputy returning officers, to reject the votes of persons not entitled to vote, and they thereby prevented many illegal votes from being received; and whereas, it is now doubtful whether, as a matter of law, the said deputy returning officers had any right to reject the vote of any man claiming to vote and willing to take the prescribed oath; and the said officers, though acting in good faith, may be exposed to actions for penalties by common informers and others; and it is unjust that they should be liable thereto;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Deputy returning officer who rejected vote in good faith not liable to penalty.

1. In any action which may be brought, or which is now pending, against any person who, at such election, in a place where there was no voting list, acted as a deputy returning officer, for rejecting the vote of any person claiming to vote, the plaintiff shall not be entitled to a verdict unless upon proof that the deputy returning officer rejected the vote of such person in bad faith and with the knowledge and belief that such person was entitled to vote at the polling place at which such officer acted; and this defence may be made at the trial without being set up by answer or otherwise.

Proof required to support action.

2. The plaintiff in any such action shall not recover unless he proves that the person whose vote was rejected (whether the plaintiff or any other person), had a right to vote, and where the plaintiff is not the person whose vote was rejected, he shall further be required to prove that the person whose vote was rejected had declared to the deputy returning officer such short description of the property as enabled its identity to be understood or ascertained therefrom, and the other particulars required by section 92 of *The Election Act* to be declared.

Act not to apply to suit of Walton v. Apjohn.

3. This Act shall not apply to a certain suit brought in the Queen's Bench Division of the High Court by one Walton against one Apjohn, unless the verdict recovered by the said Walton

Walton in the said suit is set aside upon the ground that the judgment of the judges of the said division is erroneous.

4. Where the plaintiff in any such action now pending is the person whose vote was rejected, he may, if he sees fit, discontinue his action; and if he do so, he shall be entitled to tax his costs against the defendant, incurred up to the time of the passing of this Act, and the same shall be paid by the defendant immediately after taxation, unless the defendant elects not to avail himself of the provisions of this Act, in which case the action shall proceed as if it had not been discontinued.

Costs impending actions.

CHAPTER 6.

An Act respecting Securities vested in the Treasurer of the Province.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where any security, obligation or covenant, or any interest in any real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Treasurer of Ontario, by virtue of his office of treasurer, such security, obligation or covenant, and any right of action in respect thereto, and all the estate, right or interest of the said treasurer in respect of such real or personal estate, effects or property upon the death, resignation or removal from office of the treasurer, from time to time, and as often as the case happens and the appointment of a successor takes place, shall, subject to the same trusts as the same were respectively subject to, vest in the succeeding treasurer by virtue of this Act, and shall and may be proceeded on by any action or suit or in any other manner, or may be assigned, transferred or discharged, in the name of such succeeding treasurer as the same might have been proceeded on, assigned, transferred or discharged by the treasurer to, with or in whom they were first given, transferred, made, or vested if he had continued to hold office.

Securities, etc., vested in Treasurer of Ontario by virtue of his office, to vest in his successor.

2. Every such security, obligation, covenant or interest in real or personal estate, effects and property may in like manner as in the last section mentioned be proceeded on, assigned, transferred or discharged by and in the name of any member of the Executive Council of Ontario, acting under the authority of section 3 of the *Revised Statute respecting the Executive Council*.

Assignment, etc., of securities.

Application of
sect. 1.

3. Section 1 of this Act shall apply to every security, obligation or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Treasurer of Ontario, by virtue or on account of his said office, and shall transfer all the interest, rights and estate of such former treasurer to the present Treasurer of Ontario, to be vested in him by virtue of his office and subject to the provisions of this Act.

Treasurer may
allow insur-
ance compan-
ies to change
securities de-
posited with
him.

4. Where any Insurance Company desires to substitute other securities for securities deposited with the Treasurer of Ontario under "*The Ontario Insurance Act*," or any other Act requiring a deposit by way of security, to be made by any Insurance Company, the treasurer, if he thinks fit, may permit the substitution to be made.

CHAPTER 7.

An Act to enable Free Grant Settlers to obtain further locations.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R. S. O. c. 24,
s. 7, amended.

1. The following shall be added to and shall form sub-section 2 to section 7 of the *Free Grants and Homesteads Act* :—

Second loca-
tion may be
obtained.

(2) Provided always, that any person who has obtained a patent under this Act may, on shewing by affidavit that he has *bona fide* and absolutely parted with the land so patented, obtain another location.

CHAPTER 8.

An Act to amend the Ontario Drainage Act.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O., c. 33,
s. 30, sub-s. 3,
repealed.

1. Sub-section 3 of section 30 of chapter 33 of the Revised Statutes of Ontario, intituled, "*The Ontario Drainage Act*," is hereby repealed, and the following substituted therefor :—

(3)

(3) Any municipality liable to keep in repair any such drainage works, and neglecting or refusing so to do, upon reasonable notice in writing being given by any person interested therein, and who is injuriously affected by such neglect or refusal, may be compelled, by mandamus to be issued from any court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same, and shall be liable to pecuniary damage to any person who or whose property is injuriously affected by reason of such neglect or refusal.

Enforcing repair of drainage works.

CHAPTER 9.

An Act to amend the Division Courts Act.

[Assented to 25th March, 1884.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 126 of the *Division Courts Act* is hereby amended by adding thereto the following words:—
 “Or, apply to any case where the debt has been contracted for board or lodging, and, in the opinion of the Judge, the said exemption of twenty-five dollars is not necessary for the support and maintenance of the debtor’s family.”
2. Section 133 of the said Act is hereby amended by adding the following sub-section thereto:—
 (2) In the event of the garnishees being a body corporate, not having their chief place of business within the Province, then the said summons shall be issued out of the Division Court for the division in which the cause of action arose, and shall be served upon the agent of the body corporate, whose office, as such agent, is nearest to the place where said cause of action arose.
3. In proceedings under section 130 of said Act, where the garnishees are likewise a body corporate, not having their chief place of business within the Province, then the summons mentioned in said last-mentioned section shall be issued from the Division Court in which the judgment has been recovered, and shall be served upon the agent of the body corporate, whose office as such agent is either within the division in which such judgment has been recovered, or is nearest thereto.
4. Every person who within Ontario transacts or carries on any business of, or any business for, any such body corporate, shall for the purpose of this Act, and of said section 133 as hereby amended, be deemed the agent thereof.

R. S. O., c. 47, s. 126, amended. Attachment of debts due for wages, etc.

Sect. 133, amended.

Service on companies in proceedings under sec. 130.

Who to be deemed agent.

CHAPTER 10.

An Act for further improving the Administration of the Law.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as "*The Administration of Justice Act, 1884.*"

43 V. c. 10, to be in force. 2. Section 29 of *The Creditors' Relief Act, 1880*, is hereby repealed, and the said Act shall go into force on, from and after the passing of this Act.

R. S. O. c. 118 s. 2, amended. 3. Section 2, chapter 118, of the Revised Statutes of Ontario, is hereby amended by inserting before the words "every such gift," in said section the words "whereby such one or more of the creditors of such persons would obtain a preference over his other creditors, or over any one or more of such creditors."

Repealed 1897. C24.

Interest on judgments. 4. In any action in which a verdict is rendered or judgment given for a cause of action on which interest may be allowed under sections 266, 267 or 268 of the *Common Law Procedure Act* (unless it is otherwise ordered by the court), the verdict or judgment, as the case may be, shall bear interest from the time of the rendering of the verdict, or of giving the judgment, notwithstanding that the entry of judgment upon the verdict, or upon the giving of the judgment, shall have been suspended by the operation of any rule or order of court made or of proceedings had in such suit or action, whether in the court in which the action is pending or in appeal.

Amounts to be paid to Suitors' Fee Fund. 5. The surplus income arising from the funds in the High Court of Justice after payment of the expenses of the accountant's office, and of such interest on the moneys of suitors as from time to time by rules of court or otherwise is directed to be paid, shall be transferred to the "Suitors' Fee Fund Account."

Certain losses may be charged on Suitors' Fee Fund. 6. In addition to the present charges on the "Suitors' Fee Fund Account," any Divisional Court or any judge of the Supreme Court of Judicature for Ontario may, from time to time, order to be paid, out of the money at the credit of the said account, any sum required to make good a default arising in respect of suitors' money or securities from any mistake, act, or omission of any official of the court.

Such

Such payment is to be without prejudice to any personal liability of the official or his sureties in respect of the mistake, act or omission.

7. It is hereby declared that local masters, local registrars, local clerks, and other officers referred to in the *Ontario Judicature Act, 1881*, who were appointed before the passing of that Act, hold office on the same tenure as those appointed after the said Act went into operation.

Tenure of office by local masters and other officers.

8. The sittings at Sault Ste. Marie of the district court of the judicial district of Algoma for the trial of issues of fact and assessment of damages, and the sittings of the general sessions of the peace for the said district, shall hereafter commence on the second Tuesday in June and on the second Tuesday in November in each year.

Time of sittings of district court at Sault Ste. Marie.

9. In proceedings before a Division Court in interpleader, where the money claimed, or the value of the goods or chattels claimed or of the proceeds thereof, exceeds \$100, and in all actions in which the parties consent to the appeal, an appeal shall lie to the Court of Appeal from the decision of a division court judge upon an application for a new trial, subject to the provisions of the sections numbered from 17 to 22 (both inclusive) of *The Division Courts Act, 1880*.

Appeal in division court proceedings.

10. (1) Either party to an interpleader issue in a Division Court may require a jury to be summoned to try the issue and in such case he shall, within five days after the day of service of the summons on him, give to the clerk or leave at his office notice in writing, requiring a jury, and shall at the same time pay to the clerk the proper fees for the expenses of such jury, and thereupon a jury shall be summoned according to the provisions of the *Division Courts Act*.

Interpleader issues in division courts.

(2) Section 122 of the *Division Courts Act* shall extend and apply to the trial of any interpleader issue.

(3) Sections 5, 6, 16, 17, 18, 19, 20, 21 and 22 of the *Division Courts Act, 1880*, shall extend and apply to all interpleader issues and other actions mentioned in the foregoing section.

(4) Upon any application for a new trial or upon any appeal from the decision of a Division Court Judge, on such an application the Judge of the Division Court or of the Court of Appeal, may, instead of granting a new trial, pronounce the judgment which in his opinion ought to have been pronounced by the judge at the trial, and may order judgment to be entered accordingly.

Judgment in applications for new trials, etc., in division courts.

11. (1) The board of county judges appointed under section 238 of *The Division Courts Act*, or the majority of them, may

Board of county judges may frame

tariff of costs
for counsel and
solicitors.

may frame a tariff of costs to be allowed to solicitors and counsel in respect of actions in the County Courts, and may, from to time, alter and amend the same.

(2) The said board, or any three of them, shall certify to the judges authorized to make rules under section 54 or section 55 of *The Ontario Judicature Act, 1881*, any tariff so framed, or any alteration thereof; and such judges may approve, disallow or amend any such tariff or alterations; and any such tariff or alterations approved by the said judges shall have the same force and effect as if made under the said Act, by the judges so approving of the same.

Witnesses
may be or-
dered to be
examined in
relation to any
matter pend-
ing before a
foreign tri-
bunal.

12. (1) Where, upon an application for this purpose, it is made to appear to the High Court of Justice or a judge thereof, or to a County Court Judge in this Province, that any court or tribunal of competent jurisdiction in a foreign country has duly authorized, by commission, order or other process, the obtaining the testimony in or in relation to any action, suit or proceeding pending in or before such foreign court or tribunal, of any witnesses out of the jurisdiction thereof and within the jurisdiction of the court or judge so applied to, such court or judge may order the examination before the person or persons appointed, and in manner and form directed, by the commission, order or other process of such witnesses accordingly; and may by the same order, or any subsequent order, command the attendance of any persons named therein for the purpose of being examined, or the production of any writings or other documents mentioned in the order; and give all such directions as to the time, place and manner of the examination, and all other matters connected therewith as may appear reasonable and just; and the order may be enforced, and any disobedience thereof punished, in like manner as in case of an order made by the same court or judge in a cause depending in such court or before such judge.

Payment of
expenses of
witness.

(2) Every person whose attendance is so ordered shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the High Court.

Right of re-
fusal to
answer ques-
tions and to
produce docu-
ments.

(3) Every person examined under any such commission or other process as aforesaid, shall have the like right to refuse to answer questions tending to criminate himself, and any other questions which, in a case pending in the court by which or by a judge whereof or before the judge by whom the order for examination was made, the witness would be entitled to refuse to answer; and no person shall be compelled to produce at the examination, any writing or document which he would not be compellable to produce at the trial of such a cause.

Administra-
tion of oath.

(4) Where the commission directs, or the instructions of the court accompanying the same, direct that the person to be examined shall be sworn or shall affirm before the commissioner

or any other person, such commissioner or any other person shall have authority to administer an oath or affirmation to the person to be examined as aforesaid.

13. The Revised Statute, chapter 84, is hereby amended as follows:— R. S. O. c. 84,
amended.

Items 2, 9, 13, 16, and 17, in the Sheriffs' Schedule are hereby repealed, and the following substituted therefor:— Fees to
sheriffs.

2. Attending the General Sessions, per diem.....	\$5 00
9. Advertising holding of General Sessions.....	4 00
13. Drawing calendar of prisoners for trial at General Sessions, including copies.....	4 00
16. Arrest of each individual upon a warrant.....	3 00
17. Serving subpœna upon each person.....	1 00

(2) The following item is added to the Sheriffs' Schedule in the said Statute:—

Keeping a record of constables at assizes or sessions, each \$2 00.

14. (1) Section 162 of *The Consolidated Jurors Act, 1883*, 46 V., c. 6,
s. 162,
amended. is hereby amended by substituting 13 cents for 8 cents on the fee for item 4.

(2) The said section is further amended by adding thereto the following items:—

5. Advertising drafting of jury panels.....	} \$1 00
(Required by section 88.).....	
6. Notices to Clerk of the Peace, and Justices, each..	} 0 50
(Required by same section.).....	
7. Attending to draft jury panels	4 00
8. Travelling to serve summons, per mile.....	0 13
9. Writing names of jurors on cards	2 00

15. Sections 13 and 14 of this Act shall not apply to the Sheriff of the County of York. Sects. 13 & 14
not to apply
to Sheriff of
York.

16. (1) There shall hereafter be made to the inspector of county offices appointed under *The Ontario Judicature Act, 1881*, to inspect the county offices connected with the administration of justice, the returns required to be made by sheriffs under sections 11 and 37 of *The Revised Statute respecting the Office of Sheriff*, and under the statute passed in the 42nd year of Her Majesty's reign, entitled "*An Act respecting the Office of Sheriff*," and the returns required to be made by local masters, local registrars and deputy-registrars under *The Ontario Judicature Act, 1881*, section 64, sub-section 14; and by the County Crown attorneys under *The Local Crown Attorneys' Act*, section 17; and by Clerks of the Peace, under *The Revised Statute respecting Division Courts*, section 18; *The Revised Statute respecting returns of*

of convictions and fines by Justices of the Peace, section 7; and *The Revised Statute respecting Estreats*, section 16; and by county attorneys and clerks of the peace, under the statute passed in the 43rd year of Her Majesty's reign, entitled "*An Act respecting Public Officers of Ontario*"; and any other returns which the Lieutenant-Governor in Council may, from time to time, order to be made to the inspector by persons whose offices are by law subject to his inspection.

(2) The returns to the inspector shall be in lieu of those required by the said statutes.

(3) Where a return relates to moneys which are to be paid over by any officer to the treasurer of the Province, the return shall be in duplicate, one to the treasurer and one to the inspector.

This Act to be
read as part of
44 V., c. 5.

17. This Act shall be construed as part of *The Ontario Judicature Act, 1881*.

CHAPTER 11.

An Act respecting the distribution of Estates of which the Attorney-General is Administrator or Trustee.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Provisions of
R.S.O., c. 107,
and 46 Vic.,
c. 9, made
applicable to
Attorney-
General acting
as Adminis-
trator under
R.S.O., c. 60.

1. Where Her Majesty's Attorney-General for Ontario is, under the provisions of the *Revised Statute respecting the Administration by the Crown of the Estates of Intestates in certain cases* appointed, or becomes, Administrator, or Trustee, for any estate, and the said Attorney-General, or any of his predecessors in the trust, has given such notice as, under the *Revised Statute respecting Trustees and Executors and the Administration of Estates* as amended by the Act passed in the forty-sixth year of Her Majesty's reign, intituled "*An Act to amend the Act respecting Trustees and Executors, and the Administration of Estates*," would be sufficient for the protection of an Administrator under the said Acts, the provisions of the said Acts shall apply to the said Attorney-General, and to such estate, and to the proceeds of any real or personal property which has come to his hands.

2. After such notice, and notwithstanding the ten years limited by section 8 of the said first-mentioned Act have not elapsed, the Attorney-General may pay any money remaining in his hands unclaimed into the Consolidated Revenue Fund of Ontario; or may pay the same or any part thereof, or assign over personal property remaining in his hands, in accordance with any direction of the Lieutenant-Governor in Council made under section 6 of the *Revised Statute respecting Escheats and Forfeitures*.

Distribution of assets by Attorney-General after notice.

3. In such case no claim shall be maintained against Her Majesty, or this Province, in respect of any moneys or personal property paid over or assigned to any person or persons under said section 6 of the said last-mentioned Revised Statute, or under this Act; but this shall not prejudice the right of any creditor or claimant to follow the said moneys or property into the hands of the person or persons who may have received the same respectively under the authority of the order in council.

Her Majesty and the Province not liable where property paid away under R.S.O., c. 94, s. 6, but right to follow property not affected.

CHAPTER 12.

An Act to amend the Act respecting Coroners' Inquests.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of chapter 11 of the Acts passed in the forty-third year of Her Majesty's reign (being an *Act to amend the Act respecting Coroners' Inquests*), is hereby repealed and the following substituted therefor:—

43 Vic, c. 11, s. 3, repealed.

3. The written request of the jury for any additional medical witnesses, under the provisions of section 8 of chapter 79 of the Revised Statutes of Ontario, or a copy thereof certified by the Coroner, shall be attached by the Coroner to each order given by him on the treasurer of the county for the payment of the fees of such medical witness or witnesses.

Request for additional medical witness to be attached to order for payment of fees.

CHAPTER 13.

An Act to amend the Act respecting the Expenditure of County Funds, in certain cases.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 85, s. 7, repealed, and new section substituted. **1.** Section 7 of chapter 85 of the Revised Statutes of Ontario, is hereby repealed, and the following substituted in lieu thereof:—

Accounts, how and when audited. **7.** Such of the said accounts and demands as have been so delivered shall be audited by a Board of Audit, composed of the Judge, or Junior or Acting Judge, of the County Court, and two other persons, who shall be appointed annually for that purpose by the County Council of such county or union of counties, not more than one of such persons being a member of the County Council for the time being, and such accounts and demands shall be taken into consideration by the said Board of Audit between the first and fifteenth days of the said months of January, April, July and October, in each and every year, and disposed of as soon as practicable; and the said Board shall, at the completion of the audit, so to be made in the month of October, make a report to the Council of any irregularity in the accounts presented to them, or of any claim that may be made contrary to law, or of any other matter which the auditors may consider ought to be brought under the notice of the Council.

Report by auditors.

CHAPTER 14.

An Act respecting the District of Algoma and Thunder Bay.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Provisional Judicial District of Thunder Bay established. **1.** The territory now comprised within the Territorial District of Thunder Bay is hereby detached from the provisional Judicial District of Algoma, and formed into a separate provisional judicial district by the name of "The Provisional Judicial District of Thunder Bay."

2. There are hereby established for the said district a District Court and a Surrogate Court. The District Court is to be presided over by a Judge to be appointed in accordance with the provisions of the *British North America Act, 1867*, and the District Judge shall be the Judge of the Surrogate Court.

District and
Surrogate
Courts estab-
lished.

3. The laws now in force, or which may hereafter be passed with respect to Surrogate Courts or judges in counties and the officers thereof, shall apply to the Surrogate Courts and Judges of Algoma and Thunder Bay.

Laws respect-
ing Surrogate
Courts or
Judges in
Counties to
apply.

4. Subject to the exceptions in the next section contained, the District Courts of Algoma and Thunder Bay shall, in addition to the jurisdiction possessed by County Courts, each have jurisdiction and hold plea subject to appeal;

Jurisdiction of
District
Courts of
Algoma and
Thunder Bay.

(1) In all personal actions where the amount claimed does not exceed \$400;

(2) In all actions and suits relating to debt, covenant and contract;

Provided always, as to the additional jurisdiction hereby conferred, that the contract was made within the district, or the cause of action arose therein, or the defendant resides therein;

(3) For the recovery of the possession of real estate in the district;

(4) In replevin, where the value of the goods or other property or effects distrained, taken or detained, does not exceed the sum of \$400 and the goods, property, or effects to be replevied are in the said district.

(5) After a trial, in ejectment or in replevin where the value of the goods claimed exceeds \$200, or in any other case where the cause of action is beyond the jurisdiction possessed by County Courts, and a verdict or judgment exceeding \$200 is obtained, any party entitled to move to set aside or vary the verdict or judgment, or to enter a non-suit, may, if he so desires, instead of moving in the District Court and without removing the cause into the High Court by *certiorari* or otherwise, move in the High Court for such rule or order as he claims to be entitled to. The motion shall be made in the same manner, and subject to the like limitations as to time and otherwise, as the motion would have been subject to if the action had been in the High Court and had been tried at a sittings thereof, and the judgment or order of the High Court shall be acted upon as if it were a judgment or order of the said District Court. The High Court shall have jurisdiction to make any order, or give any judgment which could be made or given in the cause by the District Court.

(6) Where a party is entitled and desires to move under the next preceding sub-section, he shall notify the Clerk of the District Court in writing to transmit the *nisi prius* record to the

the Registrar at Toronto of the Division of the High Court in which he intends to move, and the said Clerk shall thereupon act in respect of such record, and any exhibits filed at the trial in accordance with section 279 of *The Common Law Procedure Act*, and such section shall apply thereto and to the said Clerk.

Exceptions to jurisdiction.

5. The said District Courts shall not have jurisdiction in any of the following cases :—

(1) Actions for a gambling debt; or upon a note of hand or other document given wholly or partly in consideration of a gambling debt;

(2) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage, if the damages sought to be recovered exceed \$200.

(3) Actions against a Justice of the Peace for anything done by him in the execution of his office, if the damages claimed exceed \$100.

Sittings of District Courts.

6. The sittings at the district town of the District Court of Thunder Bay, for trials and assessments by jury, and of the General Sessions of the said district, shall be held on the second Tuesday of the months of June and November of each year.

Time allowed for appearance to writ issued in said Districts;

7. (1) The time allowed for appearance to a writ of summons issued in either of the said Districts, whether out of the High Court of Justice or the District Court for service within Ontario, or to a writ of *capias* or replevin issued as aforesaid shall be 20 days after the service of the writ, inclusive of the day of such service;

for putting in special bail

(2) The time allowed in any writ of *capias* issued as aforesaid, for putting in special bail, shall be 30 days, inclusive of the day of execution, unless a different time is fixed by the order for the writ;

in ejectment.

(3) The time allowed for appearance to any writ of ejectment issued as aforesaid, shall be 30 days, inclusive of the day of service.

Additional time allowed when writ served or executed between Nov. 1 and June 30.

(4) Where any of the said writs is served or executed between the first day of November and the thirtieth day of June, or on either of the said days, a defendant shall be entitled to an additional period of ten days for appearing to the writ or putting in special bail.

Same time allowed when writ served or executed in Algoma as when issued there.

(5) The time allowed for appearance to any writ of summons, *capias*, ejectment or replevin, issued in any part of Ontario out of the High Court or out of any County Court, served within Algoma or Thunder Bay, and for putting in special bail to any writ of *capias* executed within either of the said districts shall be the same as is hereinbefore provided in the case of a like writ issued therein.

8. The provisions regarding Provisional Judicial Districts of the *Revised Statute respecting the Administration of Justice in unorganized Tracts*, of the *Revised Statute respecting Mortgages and sales of personal property*, and of any other Act referring to Provisional Judicial Districts, shall apply to the said District as fully as if the said Provisional Judicial District had been formed under section 29 of the said first-mentioned statute.

Provisions of R.S.O., cc. 90 and 119, and other Acts to apply.

9. Sections 34, 40, 41, 42, 43 and 62 of the said Revised Statute, chapter 90, shall apply to the said District with the substitution of "Thunder Bay" for "Algoma" wherever "Algoma" occurs in any of the said sections. Section 11 (except sub-section 4) of the Act passed in the forty-third year of Her Majesty's reign, intituled "*An Act respecting the administration of Justice in the Districts of Algoma, Thunder Bay and Nipissing*," and section 2 of the Act passed in the forty-fifth year of Her Majesty's reign, chapter 11, shall apply to both the said District Courts.

R. S. O. c. 90, ss. 34, 40-43 and 62, &c., to apply.

10. All duties imposed by any statute upon the Stipendiary Magistrate in respect of the holding of Division Courts, and all matters connected therewith; in respect of appeals arising on assessments in any municipality in the said District, in respect of the formation of municipalities therein; and all other duties which, though now performed in the said territory by a Stipendiary Magistrate, are in the District of Algoma performed by the District Judge, shall after this Act come into force be performed by the Judge of the said Provisional Judicial District of Thunder Bay.

Certain duties imposed by statute on Stipendiary Magistrate to be performed by District Judge.

11. Until a District Judge has been appointed, and has assumed the duties of his office, any Stipendiary Magistrate appointed for the said District may in like manner as if this Act had not been passed continue to perform any of the duties now belonging to his office.

Stipendiary Magistrate may act until Judge appointed.

12. The present Sheriff of the territorial district of Thunder Bay shall, without re-appointment, continue to hold office during the pleasure of the Lieutenant-Governor as the Sheriff of the said Provisional Judicial District of Thunder Bay as if appointed after this Act; and the enactments respecting the office of Sheriff of the said territorial district shall apply to the Provisional Judicial District.

Sheriff of Thunder Bay continued in office.

13. Sittings of the High Court of Justice for Ontario, for the trial of civil and criminal causes, and for the other purposes for which Courts of Oyer and Terminer and General Gaol Delivery and of Assize and *Nisi Prius* have been ordinarily held in Ontario shall be held once a year at Sault Ste. Marie and in the district town of Thunder Bay respectively on such days as may from time to time be appointed therefor by the Judges of the High

Sittings of High Court.

High Court of Justice. If the Judges of the said High Court upon inquiry ascertain on any occasion that any of such sittings are not required for the due administration of justice it shall not be necessary to appoint a day for the holding thereof.

Judges to
issue precepts
for jurors.

14. In case such sittings are to be held, the said Judges of the High Court, or some of them, shall issue the necessary precepts for the summoning of Grand and Petit Jurors.

Justices of
the Peace.

15. Justices of the Peace who at the time this Act comes into force are Justices of the Peace for Algoma may for the period of one year after the said time act as Justices of the Peace for the said Provisional District, but shall not thereafter act unless re-appointed.

Lieutenant-
Governor
may by
proclamation
separate part
of territorial
district of
Thunder Bay
from the
judicial
district.

16. (1) The Lieutenant-Governor, by proclamation issued before or after the date appointed for this Act coming into force, may separate any part of the territory now embraced within the territorial district of Thunder Bay from the Provisional Judicial district of Thunder Bay for the purposes (except registry purposes) mentioned in the *Revised Statute respecting the territorial districts of Muskoka, Parry Sound and Thunder Bay*.

(2) In case such proclamation issues, the territory embraced within the terms of the proclamation shall be a territorial district subject to the provisions of the said Act and shall be known as the territorial district of Western Thunder Bay, or by such other name as may be stated in the proclamation; but for all judicial purposes not provided for by the said Act the said territory shall be part of the said provisional judicial district of Thunder Bay.

(3) In applying the said Act the name "Western Thunder Bay" or the said other name shall be substituted for "Thunder Bay" wherever "Thunder Bay" occurs in the said Act.

(4) The Lieutenant-Governor may at any time by proclamation reattach to the said Provisional Judicial District any territory which under this section has been separated therefrom.

Commence-
ment of Act.

17. This Act shall go into force from a day to be named by proclamation of the Lieutenant-Governor in Council; but any appointment to be made under this Act may be made at any time after the passing thereof, to take effect from the day this Act goes into force.

Time of
sittings of
district court
at Sault Ste.
Marie.

18. The sittings at Sault Ste. Marie of the district court of the judicial district of Algoma for the trial of issues of fact and assessment of damages, and the sittings of the general sessions of the peace for the said district, shall hereafter commence on the second Tuesday in June, and on the second Tuesday in November in each year.

19.

19. Sections 5, 6, 7, 8, 9 and 10, and subsection 4 of section 11 of the Act passed in the forty-third year of Her Majesty's reign intituled "*An Act respecting the Administration of Justice in the Districts of Algoma, Thunder Bay and Nipissing*," are hereby repealed. 43 V. c. 12, ss. 5-10 and 11, and sub-sec. 4 repealed.

CHAPTER 15.

An Act to amend An Act respecting the administration of Justice in Unorganized Tracts.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 46 of chapter 90 of the Revised Statutes of Ontario is hereby amended by adding the following sub-sections thereto: R. S. O. c. 90, s. 46, amended.

(2) After the first day of January next all returns of convictions required by law to be made by any Justice or Justices of the Peace, shall be made for the Temporary Judicial District of Nipissing to the Clerk of the Peace for the County of Renfrew. Returns of convictions in district of Nipissing to be made to Clerk of the Peace for the county of Renfrew.

(3) In all cases arising in the said Temporary Judicial District in which, according to the general laws of this Province in matters within the legislative authority of the Legislature of this Province, an appeal lies from the decision of the Stipendiary Magistrate or of any one or more Justices of the Peace, to the General Sessions of the Peace, such appeal shall lie to and may be brought before and heard and determined by the Court of General Sessions of the Peace for the County of Renfrew, and such appeal shall be claimed and allowed and prosecuted in the same manner and within the same period as if the same had arisen within the limits of the County of Renfrew. This sub-section shall not apply to any conviction had before the passing of this Act. Appeals from stipendiary magistrate of district of Nipissing.

such payment is either made or tendered then such costs shall on three clear days' notice to such person by the person claiming the same be taxed and ascertained by the clerk of any county court, or by any local master, and thereupon and in such case, if within ten days after said costs have been so taxed and ascertained, payment of said moneys and costs are duly made or tendered to the person entitled thereto, or to his solicitor or agent in that behalf, the same shall be deemed and taken to have been paid or tendered, as the case may be, within the meaning of such notice or demand, and in compliance therewith.

CHAPTER 17.

An Act for protecting the Public interest in Rivers, Streams and Creeks.

[Assented to 25th March, 1884.]

WHEREAS it has been, or may hereafter be necessary, to remove obstructions, or to construct aprons, dams, slides, or other works, in order to facilitate the floating of saw-logs and other timber, rafts and crafts, down the rivers and streams of the Province; Preamble.

And whereas licenses have for many years been granted from time to time, to cut timber on lands belonging to the Crown through or along which such rivers and streams run ;

And whereas the licensees have paid to the Crown large sums of money by way of bonus for the right to cut the said timber, and in addition thereto pay dues as the timber is cut ;

And whereas grants have been made by the Crown of lands situated upon such streams ; the said licensed and granted lands being above as well as below the places where such obstructions were or are, or where such works are or may be constructed ;

And whereas many of the said licensees and grantees have from time to time sold and transferred their interests for large sums of money ;

And whereas the said transactions have taken place on the faith that the licensees and grantees, their representatives and assigns, had, and should continue to have, the right of floating saw-logs and other timber, rafts and crafts aforesaid, down the streams on which their limits or lands are situate ;

And whereas in the like faith the licensees, grantees, their representatives and assigns, have in many cases expended large sums of money on the lands so granted and placed under license ;

And

And whereas by an Act passed in the twelfth year of Her Majesty's reign by the Parliament of the late Province of Canada, and chaptered 87, it was enacted that it should "be lawful for all persons to float saw-logs and other timber, rafts and crafts down all the streams in Upper Canada during the spring, summer and autumn freshets, and that no person shall by felling trees, or by placing any other obstruction in or across such stream, prevent the passage thereof: Provided always that no person using such stream, in manner and for the purpose aforesaid, shall alter, injure, or destroy any dam or other useful erection in or upon the bed of or across any such stream, or do any unnecessary damage thereto, or on the banks of such stream: Provided there shall be a convenient apron, slides, gate, lock or opening in any such dam, or other such structure, made for the passage of all saw-logs and other timber rafts and craft authorized to be floated down such stream as aforesaid;"

And whereas the said provisions were continued in the year 1859 by the Consolidated Statute of Upper Canada, chapter 47, and again recently by the Revised Statute of Ontario, chapter 115;

And whereas, in the case of many of the said streams obstructions have been removed and works have been constructed, and parties having such interests as aforesaid have been accustomed as a matter of right or supposed right to freely use the same for the purpose of floating down their logs and timber, availing themselves, when necessary, of the use of the said improvements and paying (when demanded) for such use to the person who had made the improvements, or to the owner of the land where the improvements had been made, a reasonable compensation or toll:

And whereas, under the circumstances aforesaid, it is just and has become necessary in the interest of the public, and for the protection of lumbermen and others interested in the use of such streams, that there should be express statutory recognition of the right to the use of the said streams as hitherto;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

All persons
entitled to use
rivers for
floating down
timber and
saw-logs.

1. So far as the Legislature of Ontario has authority so to enact, all persons shall, subject to the provisions in this Act contained, have, and are hereby declared always to have had, during the spring, summer and autumn freshets, the right to, and may float and transmit saw-logs and all other timber of every kind, and all rafts and crafts, down all rivers, creeks and streams in respect of which the Legislature of Ontario has authority to give this power; and in case it may be necessary to remove any obstruction from such river, creek or stream, or

construct

construct any apron, dam, slide, gate-lock, boom, or other work therein or thereon, necessary to facilitate the floating and transmitting such saw-logs and other timber, rafts or crafts, down the same, then it shall be lawful for the person requiring so to float and transmit such saw-logs and other timber, rafts and crafts, and it is hereby declared always to have been lawful to remove such obstruction, and to construct such apron, dam, slide, gate-lock, boom or other work necessary for the purposes aforesaid, doing no unnecessary damage to the said river, creek or stream, or to the banks thereof.

2. In case any person shall construct in or upon such river, creek or stream, any apron, dam, slide, gate-lock, boom or other work necessary to facilitate the floating or transmission of saw-logs or other timber, rafts or crafts down any such river, creek or stream, which was not navigable or floatable before such improvements were made, or shall blast rocks or remove shoals or other impediments, or otherwise improve the floatability of such river, creek or stream, such person shall not have the exclusive right to the use of such river, creek or stream, or to such constructions and improvements; but all persons shall have, during the spring, summer and autumn freshets, the right to float and transmit saw-logs and other timber, rafts and crafts, down all such rivers, creeks or streams, and through and over such constructions and improvements, doing no unnecessary damage to the said constructions and improvements, or to the banks of the said rivers, creeks or streams, subject to the payment to the person who has made such constructions and improvements, of reasonable tolls.

Right to use rivers on which improvements have been made for the purpose of floating' down timber.

3. The foregoing sections, and all the rights therein given, and all the provisions therein made and contained, shall extend and apply to all rivers, creeks and streams mentioned in the first section of this Act, and to all constructions and improvements made therein or thereon, whether the bed of such river, creek or stream, or the land through which the same runs, has been granted by the Crown or not, and if granted by the Crown, shall be binding upon such grantees, their heirs, executors, administrators and assigns.

Foregoing provisions to apply whether land patented or not.

4. The Judge of the County Court of the County or Stipendiary Magistrate of the Judicial District, as the case may be, in which such constructions and improvements are situated shall, upon application of the owner thereof, or of any person who may desire to use the same, fix the amounts which any person entitled to tolls under this Act shall be at liberty to charge, and may from time to time vary such amounts; and the Judge or Stipendiary Magistrate in fixing such tolls shall have regard to and take into consideration the original cost of such construction and improvements, the amount required to maintain the same and to cover interest upon the original cost, as well as such other matters as under all the circumstances may seem just and equitable.

Judge of County Court or stipendary magistrate may fix tolls.

Compelling attendance of witnesses.

5. The said Judge or Stipendiary Magistrate shall have the same and like powers as to compelling the attendance and examination of witnesses, the production of documents and otherwise, as are possessed by him, or by any County Court, in any cause, suit, matter, or other proceeding, carried on or pending in such County Court.

Appeal.

6. In case any party interested is dissatisfied with the order or judgment of the said Judge or Stipendiary Magistrate, he may within fifteen days from the date thereof appeal from said order or judgment to a Judge of the Court of Appeal, and the Judge to whom such appeal is made shall determine the time within which the appeal shall be set down to be heard, the security to be given by the appellant, and the persons upon whom notice of the appeal shall be served, the manner of service, and all such other matters as he may deem necessary for the most speedy and least expensive determination of the matter of the appeal.

When appeal to be deemed abandoned.

7. If such appeal is not set down to be heard within the time limited for that purpose, or if the other conditions imposed are not complied with, the appeal shall be deemed to have been abandoned.

Costs of appeal and practice and procedure.

8. The costs of the appeal shall be in the discretion of the Judge to whom the appeal is had; and the practice and proceedings upon such appeal shall, except so far as may be by the Judge to whom the appeal is made otherwise provided, be similar to the practice and proceedings upon appeals from County Courts.

Provisions of Act to apply to all constructions now or hereafter made.

9. The foregoing provisions of this Act shall apply to all such constructions and improvements as may hitherto have been made, as well as to such as may be in course of construction, or shall hereafter be constructed.

Persons making improvements to have lien for tolls.

10. Every person entitled to tolls under this Act shall have a lien upon the saw-logs or other timber passing through or over such constructions or improvements for the amount of such tolls, such lien to rank next after the lien (if any) which the Crown has for dues in respect to such logs or timber, and if such tolls are not paid, any justice of the peace having jurisdiction within or adjoining the locality in which such constructions or improvements are, shall, upon the oath of the owner of such constructions or improvements, or upon the oath of his agent, that the just tolls have not been paid, issue a warrant for the seizure of such logs or timber, or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any constable, or any person sworn in as a special constable for that purpose, at the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell subject

subject to the lien of the Crown (if any), for dues, the said logs or timber, and out of the proceeds to pay such tolls, together with the cost of the warrant and sale, rendering the surplus on demand to the owner: Provided always, that the authority to issue such warrant by such justice of the peace shall not exist after the expiration of one month from the time of the passage of such logs or timber through or over any of such constructions or improvements. Proviso.

11. Nothing in this Act contained shall be construed as interfering with the powers or rights of any company formed under the *Act respecting Joint Stock Companies for the construction of works to facilitate the transmission of Timber down Rivers and Streams*, being chapter one hundred and fifty-three of the Revised Statutes of Ontario, or with mill-dams, or the right to erect and maintain mill-dams on streams; and the law respecting mills and mill-dams, being chapter one hundred and thirteen of the Revised Statutes of Ontario, and any other law conferring rights in mill-dams shall remain the same as if this Act had not been passed. Rights of companies formed under R.S.O., c. 153, not affected.

12. All persons driving saw-logs or other timber, rafts or crafts, down any such river, creek or stream shall have the right to go along the banks of any such river, creek or stream, and to assist the passage of the timber over the same by all means usual amongst lumbermen, doing no unnecessary damage to the banks of the said river, creek or stream. All persons driving logs etc., to have the right to go on river banks.

13. Every person entitled to tolls under this Act may make rules and regulations for the purpose of regulating the safe and orderly transmission of saw-logs, timber, rafts and crafts over or through such constructions or improvements; but no such rules or regulations shall have any force or effect until approved of by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may revoke and cancel such rules and regulations so made and approved, and from time to time approve of new rules and regulations which the person so entitled to tolls as aforesaid, shall have the power to make. Person entitled to tolls may make rules regulating transmission of timber.

14. If any suit is now pending, the result of which will be changed by the passage of this Act, the court or any judge of such court having authority over such suit, or over the costs, may order the costs of the suit, or any part thereof, to be paid by the party who would have been required to pay such costs if this Act had not been passed. Costs of pending suits.

CHAPTER 18.

An Act to Amend the Mechanics' Lien Acts.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS it is desirable to afford greater protection to the earnings of the working mechanics, labourers and suppliers of material than is now provided by law ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O. c. 120,
s. 3 amended.

1. Section 3 of chapter 120 of the Revised Statutes of Ontario, known as "*The Mechanics' Lien Act*," is hereby amended by striking out the words "unless there is an express agreement to the contrary," and substituting therefor the words "unless he signs an express agreement to the contrary"; and no agreement hereafter made shall be held to deprive anyone otherwise entitled to a lien under the said Act or the amendments thereof, and not a party to such agreement, of the benefit of such lien, but such lien shall attach, notwithstanding such agreement.

Particulars as
to expiry of
credit to be
given in veri-
fied statement
of claim made
under R. S. O.
c. 120, s. 4.

2. In addition to the particulars which, by section 4 of the said "*The Mechanics' Lien Act*," are required to be stated in the verified statement of claim therein provided for, the date of expiry of the period of credit agreed to by the lien-holder for payment for his work, materials or machinery, where credit has been given, shall also be stated, and in the absence of such date in such verified statement the lien shall cease to exist after the expiration of 90 days after the work has been completed or materials or machinery furnished, unless in the meantime proceedings shall have been instituted pursuant to section 21 of the said Act.

Affidavit of
verification
may be made
by agent or
assignee.

3. The affidavit of verification, referred to in said section 4, may be made by any agent or assignee of the person entitled to the lien, having full knowledge of the facts required to be verified, and such affidavit, when made by an agent, or assignee, shall state that he has such knowledge in addition to the facts required by said section to be stated.

R. S. O. c. 120,
s. 5, amended.
45 V. c. 15, ss.
15 and 16, to
apply to
all liens.

4. That portion of section 5 of said Act which follows the word "described," in the third line thereof, is hereby repealed, and the provisions of sections 15 and 16 of "*The Mechanics' Lien Act*, 1882," shall apply to all liens now or hereafter to be registered under either of said Acts; and the said section 16 shall apply where there was a contract for the furnishing of materials or machinery, as well as where there was a contract for the execution of work, so as to

charge

charge the contractor for whom the work was done or materials or machinery furnished with the cost of registration of discharges, unless a court or judge otherwise orders.

5. Section 6 of "*The Mechanics' Lien Act*" is hereby amended by substituting the word "for" in place of the word "by," where the latter word last occurs in said section. R. S. O. c. 120, s. 6, amended.

6. Section 15 of "*The Mechanics' Lien Act*" is hereby repealed and the following substituted therefor:— Sect. 15, repealed.

15. Any number of lienholders may join in one suit and all suits brought by a lienholder shall be taken to be brought on behalf of all the lienholders of the same class who shall have registered their liens before or within 30 days after the commencement of such suit, or who shall within the said 30 days file in the office from which the writ issued a statement of their respective claims; and in the event of the death of the plaintiff therein, or his refusal or neglect to proceed therewith, may by leave of the court in which the suit is brought, on such terms as may be deemed just and reasonable, be prosecuted and continued by any other lienholder of the same class who shall have registered his lien or filed his claim in the manner and within the time above limited for that purpose. Suits by lien holders.

7. Section 24 of "*The Mechanics' Lien Act*" is hereby amended by striking out the words "certificate of" in the said section. Sect. 24, amended.

8. Nothing in this Act contained shall in any way interfere with, affect or prejudice the priority of lien for wages to which any mechanic, labourer, or other person is entitled under "*The Mechanics' Lien Act, 1882.*" Certain liens not affected.

CHAPTER 19.

An Act respecting the property of Married Women.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Married Women's Property Act, 1884.*" Short title.

2. (1) A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property, in the same manner as if she were a *feme sole*, without the intervention of any trustee. Married woman to be capable of holding property as a *feme sole*.

(2)

(2) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort, or otherwise, in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise.

(3) Every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shewn.

(4) Every contract entered into by a married woman with respect to and to bind her separate property, shall bind not only the separate property which she is possessed of or entitled to at the date of the contract, but also all separate property which she may thereafter acquire.

Property of a woman married after this Act to be held by her as a *feme sole*.

3. Every woman who marries after the commencement of this Act shall be entitled to have and to hold as her separate property and to dispose of in manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage, including any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill.

Execution of general power.

4. The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Act.

Property acquired after this Act by a woman married before this Act to be held by her as a *feme sole*.

5. Every woman married before the commencement of this Act shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property, all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money, and property so gained or acquired by her as aforesaid.

As to stock, etc., to which a married woman is entitled.

6. All deposits, all sums forming part of public stocks or funds, which at the commencement of this Act are standing in the sole name of a married woman, and all shares, stock, debentures, debenture stock, or other interests of or in any corporation,

corporation, company, or public body, municipal, commercial, or otherwise, or of or in any industrial, provident, friendly, benefit, building, or loan society, which at the commencement of this Act are standing in her name, shall be deemed, unless and until the contrary be shewn, to be the separate property of such married woman; and the fact that any such deposit, sum forming part of public stocks, funds, or of any share, stock, debenture, debenture stock, or other interest as aforesaid, is standing in the sole name of a married woman, shall be sufficient *prima facie* evidence that she is beneficially entitled thereto for her separate use, so as to authorize and empower her to receive or transfer the same, and to receive the dividends, interests, and profits thereof, without the concurrence of her husband, and to indemnify all public officers, and all directors, managers, and trustees of every such corporation, company, public body, or society as aforesaid, in respect thereof.

7. All such particulars mentioned in the preceding section which after the commencement of this Act shall be placed, or transferred in or into, or made to stand, in the sole name of any married woman shall be deemed, unless and until the contrary be shewn, to be her separate property, in respect of which, so far as any liability may be incident thereto, her separate estate shall alone be liable, whether the same shall be so expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not; Provided always, that nothing in this Act shall require or authorise any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident, contrary to the provisions of any statute, charter, by-law, articles of association, or deed of settlement regulating such corporation or company.

As to stock, etc., to be transferred, etc., to a married woman.

Proviso.

8. All the provisions hereinbefore contained as to such particulars mentioned in section 6, which at the commencement of this Act shall be standing in the sole name of a married woman, or which, after that time, shall be, or placed, or transferred to or into, or made to stand in, the sole name of a married woman, shall respectively extend and apply, so far as relates to the estate, right, title, or interest of the married woman, to any of the particulars aforesaid which, at the commencement of this Act, or at any time afterwards, shall be standing in, or shall be placed, or transferred to or into, or made to stand in, the name of any married woman jointly with any persons or person other than her husband.

Investments in joint names of married women and others.

9. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such particulars named in section 6, which are now or shall at any time hereafter be standing in the sole name of any

As to stock, etc., standing in the joint names of a married woman and others.

any married woman, or in the joint names of such married woman, and any other person or persons not being her husband.

Fraudulent investments with money of husband.

10. If any investment in any of the particulars set forth in section 6 shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may, upon an application under section 15 of this Act, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband; and nothing in this Act contained shall give validity as against creditors of the husband, to any gift, by a husband to his wife, of any property, in fraud of his creditors, or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors; but any property or moneys so deposited or invested may be followed as if this Act had not been passed.

Remedies of married woman for protection and security of separate property.

11. Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same remedies for the protection and security of her own separate property, as if such property belonged to her as a *feme sole*, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding under this section a husband or wife shall be competent to give evidence against each other.

Wife's ante nuptial debts and liabilities.

12. A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage; and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts or wrongs, and for all damages or costs recovered in respect thereof: Provided always, that nothing in this Act shall operate to increase or diminish the liability of any woman married before the commencement of this Act for any such debt, contract or wrong, as aforesaid.

Proviso.

Husband to be liable for his wife's debts and other liabilities to a certain extent.

13. A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her, before marriage, and for wrongs committed by her after marriage, to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any

any payments made by him, and any sums for which judgment may have been *bonâ fide* recovered against him in any proceeding at law, in respect of any such debts, contracts or wrongs for or in respect of which his wife is liable; but he shall not be liable for the same any further or otherwise; and any court in which a husband shall be sued for any such debt or liability shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount or value of such property: Provided always, that nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the commencement of this Act for or in respect of any such debt or other liability of his wife as aforesaid. Proviso.

14. A husband and wife may be jointly sued in respect of any such debt or other liability (whether for contract or for any wrong) contracted or incurred by the wife as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part, against both of them; and if in any such action, or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled as aforesaid, he shall have judgment for his costs of defence, whatever may be the result of the action against the wife if jointly sued with him; and in any such action against husband and wife jointly, if it appears that the husband is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only. Suits for wife's liabilities.

15. (1) In any question between husband and wife as to the title to or possession of property, either party, or any corporation, company, public body, or society in whose books any stocks, funds, or shares of either party are standing, may apply by summons or otherwise, in a summary way, to any judge of the High Court of Justice, or (at the option of the applicant, irrespectively of the value of the property in dispute) to the judge of the county court of the county in which either party resides, and the judge may make such order with respect to the property in dispute, and as to the costs of and consequent on the application, as he thinks fit; or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit. Questions between husband and wife as to property to be decided in a summary way.

(2) Any order of a judge of the High Court, made under the provisions

provisions of this section, shall be subject to appeal in the same way as an order made by the same judge in a suit in the said court would be.

(3) Any order of a county court, under the provisions of this section, shall be subject to appeal in the same way as any other order made by the same court would be.

(4) All proceedings in a county court, under this section, in which, by reason of the character or value of the property in dispute, such court would not have had jurisdiction if this Act had not passed, may, at the option of the defendant or respondent to such proceedings, be removed as of right into the High Court, by writ of *certiorari*, or otherwise, as may be prescribed by any rule of the Supreme Court of Ontario; but any order made or act done in the course of the proceedings, prior to the removal, shall be valid, unless order is made to the contrary by such High Court.

(5) The judge of the High Court, or county court, if either party so require, may hear any such application in his private room.

(6) Any such corporation, company, public body, or society, as aforesaid, shall, in the matter of any such application, for the purposes of costs or otherwise, be treated as a stakeholder only.

Married woman as an executrix or trustee.

16. A married woman, who is an executrix or administratrix, alone or jointly with any other person or persons, of the estate of any deceased person, or a trustee alone or jointly as aforesaid, of property subject to any trust, may sue or be sued, and may transfer or join in transferring, in that character, any such particulars as mentioned in section 6, without her husband, as if she were a *feme sole*.

Saving of existing settlements, and the power to make future settlements.

17. Nothing in this Act contained shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument; but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors.

In what cases a married

18. (1) Any married woman having a decree for alimony against

against her husband, or any married woman who lives apart from her husband, having been obliged to leave him from cruelty or other cause which by law justifies her leaving him and renders him liable for her support, or any married woman whose husband is a lunatic with or without lucid intervals, or any married woman whose husband is undergoing sentence of imprisonment in the Provincial Penitentiary or in any gaol for a criminal offence, or any married woman whose husband from habitual drunkenness, profligacy, or other cause, neglects or refuses to provide for her support and that of his family, or any married woman whose husband has never been in this Province, or any married woman who is deserted or abandoned by her husband, may obtain an order of protection entitling her, notwithstanding her coverture, to have and to enjoy all the earnings of her minor children, and any acquisitions therefrom, free from the debts and obligations of her husband and from his control or dispositions, and without his consent, in as full and ample a manner as if she continued sole and unmarried.

woman may obtain an order of protection for the earnings of her minor children.

Purport and effect of such order.

(2) The married woman may at any time apply, or the husband or any of the husband's creditors may at any time on notice to the married woman, apply for the discharge of the order of protection; and if an order for such discharge is made the same may be registered or filed like the original order.

How and by whom an order discharging protection may be obtained.

(3) Either order may issue in duplicate, and where the married woman resides in a city or town in which there is a police magistrate, the order for protection or any order discharging the same shall be made by the police magistrate, and shall be registered in the registry office of the Registration Division in which the city or town is situate.

Either order may be in duplicate. By whom to be made in cities and towns. Registration.

(4) Where the married woman does not reside in a city or town in which there is a police magistrate, the order shall be made by the Judge or one of the Judges, or the acting or deputy Judge of the Division Courts or a Division Court of the County in which the married woman resides; and instead of being registered, shall be filed for public inspection with the clerk of the Division Court of the Division within which the married woman resides.

By whom made elsewhere than in city or town.

(5) The hearing of an application for an order of protection, or for an order discharging the same may be public or private, at the discretion of the judge or police magistrate.

Hearing may be public or private.

(6) The order for protection shall have no effect until it is registered or filed, and the registrar or clerk shall immediately on receiving the order endorse thereon the day of registering or filing the same; and a certificate of the registering or filing and date, signed by the registrar or clerk for the time being, shall be *prima facie* evidence of such registering or filing and date; and a copy of the order which is registered or filed, certified under the hand of the registrar or clerk to be a true copy thereof, shall be sufficient *prima facie* evidence of the order without proof of the signature of the registrar or clerk, and without further proof of the order itself, or of the making or validity thereof.

Order not to have effect until registered.

Evidence of order, etc.

From what time the order discharging protection shall take effect.

(7) The order for discharging an order of protection shall not in any case be retroactive, but shall take effect from the time it is made, and the order for protection shall protect the earnings of the minor children of the married woman until an order is made discharging such order of protection, and the married woman shall continue to hold and enjoy to her separate use whatever, during the interval between the registering or filing of the order of protection and the making of the order discharging the same, she may have acquired by the earnings of her minor children.

Legal representative of married woman.

19. For the purposes of this Act the legal personal representative of any married woman shall, in respect of her separate estate, have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living.

Separate personal property of wife dying intestate, how to be distributed.

20. The separate personal property of a married woman dying intestate shall be distributed in the same proportions between her husband and her children as the personal property of a husband dying intestate is to be distributed between his wife and children ; and if there be no child or children living at the death of the wife so dying intestate, then such property shall pass and be distributed as if this Act had not passed.

Interpretation.

"Contract."

21. The word "contract" in this Act shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by a married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. The word "property" in this Act includes a thing in action.

"Property."

R.S.O. c. 125 ;
R.S.O. c. 126,
s. 6 (in part)
and R.S.O. c.
127, s. 3 (in
part) and ss.
4-12 repealed.

22. *The Married Woman's Property Act* is hereby repealed: Provided, that such repeal shall not affect any act done or right acquired while the said Act was in force, or any right or liability of any husband or wife married before the commencement of this Act, to sue or be sued under the provisions of the said repealed Act, for or in respect of any debt, contract, wrong, or other matter or thing whatsoever, for or in respect of which any such right or liability shall have accrued to or against such husband or wife before the commencement of this Act; that part of section 3 of *The Married Woman's Real Estate Act*, which follows the words "feme sole" in the tenth line ; also sections numbered from 4 to 12 inclusive, and that part of section 6 of the *Revised Statute respecting Dower*, which follows the word "dower" in the fourth line, are also repealed.

Commencement of Act.

23. The date of the commencement of this Act shall be the first of July, 1884.

CHAPTER

CHAPTER 20.

An Act to Secure to Wives and Children the Benefit of Life Insurance.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The provisions of this Act shall apply to every lawful contract of insurance now in force or hereafter effected which is based on the expectation of human life, and shall include life insurance on the endowment plan as well as every other.

Application of Act.

2. It is hereby declared to have been lawful for any person, on or before the 18th day of September, 1866, to endorse upon or attach to any policy of insurance on his life effected and issued before the 18th day of September, 1865, whether the policy was issued before or after marriage, a written declaration that the insurance was for the benefit of his wife, or his wife and children, or of his wife and some or one of his children, or of his children only, or of some or one of them, and to apportion the amount of the insurance money as he deemed proper where the insurance was declared to be for the benefit of more than one.

Insurances effected before 18th September, 1865, might within one year be declared in favour of wife or children.

3. Any person may insure his life for the whole term thereof, or for any definite period, for the benefit of his wife or of his wife and children, or of his wife and some or one of his children, or of his children only or of some or one of them, and, where the insurance is effected for the benefit of more than one, he may apportion the amount of the insurance money as he may deem proper.

Persons may insure for the benefit of wives or children.

4. The insurance may be effected either in the name of the person whose life is insured, or in the name of his wife, or of any other person (with the assent of such other person) as trustee.

How insurance may be effected.

5. In case a policy of insurance effected by a married man on his life is expressed upon the face of it to be for the benefit of his wife, or of his wife and children or any of them, or in case he has heretofore endorsed, or may hereafter endorse, or by any writing identifying the policy by its number or otherwise, has made or may hereafter make a declaration that the policy is for the benefit of his wife, or of his wife and children or any of them, such policy shall enure, and be deemed a trust for the benefit of his wife for her separate use, and of his children or any of them, according to the intent so expressed

Insured may declare policy for the benefit of wife and children.

or declared, and so long as any object of the trust remains the money payable under the policy shall not be subject to the control of the husband or his creditors, or form part of his estate when the sum secured by the policy becomes payable; but this shall not be held to interfere with any pledge of the policy to any person prior to such declaration.

Insured may
make and alter
apportion-
ment.

6. The insured may, by the policy, or by any instrument in writing attached to or endorsed thereon, or by any instrument identifying the policy by its number or otherwise, apportion the insurance money among the persons intended to be benefited, and may, from time to time, by any further or other instrument in writing, attached to or endorsed on the policy, or identifying the same, alter the apportionment as he may deem proper; he may also, by his will, make or alter the apportionment of the insurance money, and an apportionment made by will shall prevail over any other, except so far as such other apportionment has been acted on before notice of the apportionment contained in the will.

Where no ap-
portionment
is made.

7. Where no apportionment is made, all persons entitled to be benefited by the insurance shall be held to share equally in the same; and where it is stated in the policy or declaration that the insurance is for the benefit of the wife and children generally, or of the children generally, without specifying the names of the children, the word "children" shall be held to mean all the children of the insured living at the maturity of the policy, whether by his then or any former wife, and the wife to benefit by the policy shall be the wife living at the maturity thereof.

Provision as to
share of any
beneficiary
dying where
apportionment
made.

8. Where an apportionment, as in sections 2 and 6 provided for, has been made, if one or more of the persons in whose favour the apportionment has been made die in the lifetime of the insured, the insured may, by any instrument in writing, attached to or endorsed on or otherwise referring to and identifying the policy of insurance, declare that the share formerly apportioned to the person so dying shall be for the benefit of such other person or persons as he may name in that behalf, not being other than the wife and children of the insured or one or more of them; and in default of any such declaration, the share of the person so dying shall be the property of the insured, and may be dealt with and disposed of by him as he may see fit, and shall at his death form part of his estate.

Provision in
case of death
of persons
entitled
where no ap-
portionment.

9. Where no apportionment as in sections 2 and 6 provided for has been made, if one or more of the persons entitled to the benefit of the insurance die in the lifetime of the insured, and no apportionment is subsequently made by the insured, the insurance shall be for the benefit of the survivor, or of the survivors of such persons in equal shares if more than

one; and if all the persons so entitled die in the lifetime of the insured, the policy and the insurance money shall form part of the estate of the insured; or after the death of all the persons entitled to such benefit, the insured may by an instrument executed as aforesaid make a declaration that the policy shall be for the benefit of his then or any future wife or children, or some or one of them.

Apportionment after death of all persons entitled.

10. (1) When the insurance money becomes due and payable it shall be paid according to the terms of the policy or of any declaration or instrument as aforesaid, as the case may be, free from the claims of any creditors of the insured, except as herein provided.

Insurance money not liable to creditors.

(2) Where the insurance money or part thereof is for the benefit, in whole or in part, of the children of the insured, and the children are mentioned as a class and not by their individual names, the money shall not be payable to the children until reasonable proof is furnished to the company of the number, names and ages of the children entitled.

11. The insured may, by the policy or by his will or by any writing under his hand, appoint a trustee or trustees of the money payable under the policy, and may from time to time revoke such appointment in like manner, and appoint a new trustee or new trustees and make provision for the appointment of a new trustee or new trustees, and for the investment of the moneys payable under the policy. Payment made to such trustee or trustees shall discharge the company.

Appointment of trustees.

12. If no trustee is named in the policy, or appointed as mentioned in section 11, to receive the shares to which infants are entitled, their shares may be paid to the executors of the last will and testament of the insured, or to a guardian of the infants duly appointed by one of the Surrogate Courts of this Province or by the High Court of Justice, or to a trustee appointed by the last named Court, upon the application of the wife, or of the infants or their guardian; and such payment shall be a good discharge to the insurance company.

Where no trustee payment of shares of infants.

Amended
48, C2254

13. Any trustee named as provided for in the last two preceding sections, and any executor or guardian, may invest the money received in government securities or municipal debentures or in mortgages of real estate, or in any other manner authorized by the will of the insured, or by the *Act respecting the Investment of Trust Funds*, and may from time to time alter, vary and transpose the investments, and apply all or any part of the annual income arising from the share or presumptive share of each of the children, in or towards his or her maintenance and education, in such manner as the trustee, executor or guardian thinks

Investment of shares of infants.

thinks fit, and may also advance to and for any of the children, notwithstanding his or her minority, the whole or any part of the share of the child of and in the money, for the advancement or preferment in the world, or on the marriage, of such child.

Security by
guardian.

14. A guardian appointed under section 12 shall give security to the satisfaction of the court or judge for the faithful performance of his duty as guardian, and for the proper application of the money which he may receive. Where the amount of the insurance money payable to a guardian of infants does not exceed \$400, and probate is sought in respect of a will for the sole purpose of obtaining insurance money to an amount not exceeding \$400, the fees payable on the appointment of such guardian or executor shall be four dollars and no more, and such fees shall be regulated in the manner prescribed by section 66 of "*The Surrogate Courts Act*."

Fees where
insurance not
more than
\$400.

Power to
company to
pay money
into court.

15. If there is no trustee, executor or guardian competent to receive the share of any infant in the insurance money, and the insurance company admit the claim or any part thereof, the company at any time after the expiration of two months from the date of their admission of the claim or part thereof, may obtain an order from the High Court of Justice for the payment of the share of the infant into court; and in such case the costs of the application shall be paid out of the share (unless the court otherwise directs), and the residue shall be paid into court pursuant to the order; and such payment shall be a sufficient discharge to the company for the money paid; and the money shall be dealt with as the court may direct.

Power to sur-
render policy.

16. If a person who has heretofore effected, or who hereafter effects, an insurance for the purposes contemplated by this Act, whether the purpose appears by the terms of the policy or by endorsement thereon, or by an instrument referring to and identifying the policy, finds himself unable to continue to meet the premiums, he may surrender the policy to the company, and accept in lieu thereof a paid-up policy for such sum as the premiums paid would represent, payable at death or at the endowment age or otherwise (as the case may be), in the same manner as the money insured by the original policy if not surrendered would have been payable; and the company may accept the surrender and grant the paid-up policy, notwithstanding any declaration or direction in favour of the wife and children, or any or either of them.

Power to bor-
row on the
policy.

17. The person insured may, from time to time, borrow from the company insuring, or from any other company or person, on the security of the policy, such sums as may be necessary and shall be applied to keep the policy in force, and on such terms and conditions as may be agreed on; and the

48-20-4
Amended

the sums so borrowed, together with such lawful interest thereon as may be agreed, shall, so long as the policy remains in force, be a first lien on the policy, and on all moneys payable thereunder, notwithstanding any declaration or direction in favour of the wife and children, or any or either of them.

18. Any person insured under the provisions of this Act may, in writing, require the insurance company to pay the bonuses or profits accruing under the policy, or portions of the same, to the insured; or to apply the same in reduction of the annual premiums payable by the insured, in such way as he may direct; or to add the said bonuses or profits to the policy; and the company shall pay or apply such bonuses or profits as the insured directs, and according to the rates and rules established by the company; provided always, that the company shall not be obliged to pay or apply such bonuses or profits in any other manner than stipulated in the policy or the application therefor. This section applies to policies made before the fourth day of March, 1881, and to bonuses and profits then declared in respect of such policies, as well as to policies thereafter made and hereafter to be made.

Insured may direct application of bonuses and profits.

Proviso.

19. In case of several actions being brought for insurance money, the court is to consolidate or otherwise deal therewith so that there shall be but one action for and in respect of the shares of all the persons entitled under a policy. If an action is brought for the share of one or more infants entitled, all the other infants entitled, or the trustees, executors or guardians entitled to receive payment of the shares of such other infants, shall be made parties to the action, and the rights of all the infants shall be dealt with and determined in one action. The persons entitled to receive the shares of the infants may join with any adult persons claiming shares in the policy. In all actions where several persons are interested in the money, the court or judge shall apportion among the parties entitled any sum directed to be paid, and shall give all necessary directions and relief.

As to actions for insurance money.

20. No declaration, or apportionment affecting the insurance money, or any portion thereof, nor any appointment or revocation of a trustee made after the passing of this Act, shall be of any force or effect as respects the company, until the instrument or a duplicate or copy thereof is deposited with the company. Where a declaration or endorsement has been heretofore made and notice has not been given, the company may, until they receive notice thereof, deal with the insured or his executors, administrators or assigns, in respect of the policy, in the same manner and with the like effect as if the declaration or endorsement had not been made.

Notice of declaration, etc., required.

21. If the policy was effected and premiums paid by the insured with intent to defraud his creditors, the creditors shall be

Fraud in payment of premiums.

be

*Amended
21.8.20-41*

be entitled to receive out of the sum secured an amount equal to the premiums so paid.

Act not to
affect existing
rights.

22. Nothing contained in this Act shall be held or construed to restrict or interfere with the right of any person to effect or assign a policy for the benefit of his wife or children or some or one of them, in any other mode allowed by law.

Power of
insured and
adults to deal
with policy.

23. Where all the persons entitled to be benefited under any policy are of full age, they and the person insured may surrender the policy, or assign the same, either absolutely or by way of security.

R.S.O., c. 129;
41 V., c. 8, s.
14, and 44 V.,
c. 15, repealed.

24. Chapter 129 of the Revised Statutes of Ontario, section 14 of chapter 8 of the Acts passed in the 41st year of Her Majesty's reign, and chapter 15 of the Acts passed in the 44th year of Her Majesty's reign, are hereby repealed. Such repeal shall not affect any act done or right acquired while the said Acts or any of them were in force.

CHAPTER 21.

An Act to extend the provisions of the Revised Statute respecting Master and Servant.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time within
which pro-
ceedings may
be taken.

1. Proceedings may be taken under the *Revised Statute respecting Master and Servant*, within one month after the engagement or employment has ceased, or within one month after the last instalment of wages under the agreement of hiring has become due, whichever shall last happen; and proceedings under section 12 may be had for non-payment of wages in respect of service or labour performed in Ontario upon a verbal agreement or bargain made out of Ontario.

Work done in
Ontario under
agreement
made out of
Ontario.

CHAPTER 22.

An Act respecting Pharmacy.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Pharmacy Act, 1884.*" Short title.

2. The Ontario College of Pharmacy, incorporated by the Act passed in the thirty-fourth year of Her Majesty's reign, and chaptered 34, is hereby continued. Ontario College of Pharmacy continued.

3. The Ontario College of Pharmacy shall have power to acquire and hold real estate, not exceeding at any time in annual value five thousand dollars, and the same, or any part thereof, may alienate, exchange, mortgage, lease, or otherwise charge or dispose of as occasion may require, and may erect buildings for the purpose of accommodating lecturers on chemistry or pharmacy, or for a library, pharmaceutical museum, or specimen room for the use of the members and associates of said College; and all fees payable under this Act shall belong to the said College for the purposes of this Act. Power to hold real estate, build, &c. Fees.

Pharmaceutical Council.

4. There shall be a Council of said College, to be called the Pharmaceutical Council, which shall consist of thirteen members, who shall be elected as hereinafter provided, and shall hold office for two years, and the said Council shall, subject to the laws thereof, have sole control of the real and personal property of the College, and have authority to grant certificates of competency to conduct the business of a chemist or druggist, and to be registered subject to the provisions of this Act. Council of whom composed.

5. Any member of said Council may at any time resign by letter directed to the registrar of said College; and in the event of any vacancy occurring, the remaining members of the Council shall fill up such vacancy from the members of the College. Resignation of members, and vacancy how filled.

6. An election of members of the said Council shall be held on the first Wednesday in July in every second year, and the persons qualified to vote at such election, shall be such persons as are members of the said College. Subsequent elections.

7. The Council shall, at their first meeting, elect from among themselves a president and vice-president, and shall appoint Election of president and officers.

appoint a registrar and such other officers as the said Council may consider necessary.

Certificates of Competency.

Sittings of the Council.

For granting certificates.

8. The said Council shall hold at least two sittings in every year, on the first Wednesday in February and first Wednesday in August, for the purpose of granting certificates of competency, at such places as they may by resolution appoint, of which due notice shall be given for at least one month in the *Ontario Gazette*, and at least two newspapers in the City of Toronto.

Powers of the Council as to subjects of examination, &c.

9. The Council of the said College shall, subject to the supervision and disallowance thereof by the Lieutenant-Governor in Council, have authority to prescribe the subjects upon which candidates for certificates of competency shall be examined, to establish a scale of fees not to exceed ten dollars, to be paid by persons applying for examination; and to make by-laws, rules and orders for the regulation of their own meetings and proceedings, and those of the College; and for the remuneration and appointment of examiners and officers of the said College; and for the payment of remuneration, or indemnity to the members of the said Council in attending its sittings, or in attending upon the business of the said College; and in respect to any other matters which may be requisite for the carrying out of this Act; provided always, that no more than five cents per mile for travelling expenses, or more than four dollars per day for such days only as he shall be in actual attendance upon the business of the College, including going to and returning from such sitting, be allowed to any member for such expenses and remuneration.

Proviso.

Who may examine.

10. The examinations of the College may be conducted by the members of the Council, or by persons appointed by them.

Who may apply for Certificates.

Qualification of candidates for certificates of competency.

11. Subject to the rules, regulations and by-laws of the Ontario College of Pharmacy, the following persons and no others may be admitted as candidates for certificates of competency:

(a) Any person who shall furnish to the Council of said College satisfactory evidence of having, in pursuance of a binding contract in writing for that purpose, served as an apprentice to a regularly qualified Pharmaceutical Chemist for a term of not less than three years;

(b) In case any person who has apprenticed himself as aforesaid, shall by reason of the death, failure in business, or removal of his employer, or from any other cause satisfactory to the said Council, be unable to complete his term of apprenticeship

ticeship with such employer, such person shall be at liberty, when and as often as this may happen, to enter into a new contract to complete the remainder of his unfulfilled term with any other regularly qualified Pharmaceutical Chemist ;

(c) Nothing in this section shall apply to any person who had, prior to the passing of this Act, begun his apprenticeship with a regularly qualified Pharmaceutical Chemist without such binding contract in writing.

Preliminary Examinations.

12. Every person who may hereafter be desirous of becoming apprenticed as aforesaid, shall, before the term of his apprenticeship begins to run for the purpose of this Act, furnish to the registrar of the College a certificate or other evidence satisfactory to the Council, shewing that prior to the commencement of such apprenticeship he had passed an examination entitling him to admission to a High School, College, Collegiate Institute, or to the fourth form of a public school for the Province of Ontario ; provided that apprentices who have commenced their apprenticeship out of the Province, shall give satisfactory evidence of having had equal qualifications to the aforesaid at the time when their apprenticeship was entered upon.

Qualification of persons, desiring to serve apprenticeship under this Act.

Proviso.

Registration.

13. It shall be the duty of the registrar to make and keep a correct register, in accordance with the provisions of this Act, as shewn in Schedule "B," of all persons who may be entitled to be registered under this Act, and to enter opposite the names of all registered persons who have died, a statement of such fact, and from time to time to make the necessary alterations in the addresses of persons registered under this Act, and shall cause to be printed and published on or before the fifteenth day of June of each year, an alphabetical list of the members who were on the first day of June of that year, entitled to keep open shop as Pharmaceutical Chemists.

Register to be kept of persons registered or entitled to be registered.

14. Any person having passed such examination as aforesaid to the satisfaction of the Council, shall be entered upon the roll of registered chemists and druggists, and shall become a member of the College.

Entry on the roll.

15. All persons who, on the fifteenth day of February, 1871, were in business as chemists and druggists, or chemists, druggists, or apothecaries, upon their own account, or in partnership with any other person, or who had before said day served an apprenticeship of three years, and acted as a druggist's assistant for one year, shall be entitled to be registered under this Act, upon production to the registrar of such evidence of their having been so engaged, as the Council

Certain persons may be entered on register.

On certain evidence.

of

of the said College may require, and upon payment of a registration fee of ten dollars; provided, that applications for such registration be made within twelve months from the passing of this Act.

Who may be entered on the register.

16. No name shall be entered in the register except of persons authorized by this Act to be registered, nor unless the registrar is satisfied by proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the registrar may be decided by the Council of the said College, and any entry proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased from or amended in the register by order of the Council.

Appeal from decision of the registrar.

Fraudulent or incorrect entries may be erased.

Certificate to be granted on registration.

17. Upon any person being registered under this Act, he shall be entitled to receive a certificate in the form of Schedule "D" or to the like effect, under the corporate seal of the said College, and signed by the registrar.

Fees.

18. There shall be payable to the registrar of the said College, for the uses of the College, on the first day of May of each year, by every person registered and carrying on business as a Pharmaceutical Chemist, the sum of four dollars; provided, that in case such person shall carry on such business in more than one locality the further sum of four dollars shall be payable by him, as aforesaid, for each such additional place of business, and provided also, that all employees or assistants who manage or have charge of such additional places of business, shall be legally qualified Pharmaceutical Chemists.

Who alone may be styled Pharmaceutical Chemist, and dispense.

19. Any person registered under this Act, and no other person, shall be entitled to be called a Pharmaceutical Chemist, and no other person except a Pharmaceutical Chemist, as aforesaid, or his employee or employees, shall be authorized to compound prescriptions of legally authorized medical practitioners; but no person shall be entitled to any of the privileges of a Pharmaceutical Chemist, or member of the said College, who is in default in respect to any fees payable by him by virtue of this Act.

Erasing name of member on conviction of offence.

20. Upon a resolution of the Council of the said College being passed, declaring that any person in consequence of his conviction for any offence or offences against this Act, is, in the opinion of the Council, unfit to be on the register under this Act, the Lieutenant-Governor-in-Council may direct that the name of such person shall be erased from such register, and it shall be the duty of the registrar to erase the same accordingly.

Certificate to be publicly displayed.

21. Every Pharmaceutical Chemist carrying on business on his own account shall display his certificate in a conspicuous position in his place of business.

22. Every person having been registered under this Act or any former Act, as a Pharmaceutical Chemist, shall, on retiring from business as such chemist, give the registrar notice in writing of the same, and in default thereof he shall remain liable for his annual registration fee; provided, that it shall be lawful for any such person to resume the business of Chemist and Druggist at any time after retiring therefrom as aforesaid, upon giving notice in writing to the registrar of the College of his intention so to do, and upon payment to him of the then current annual registration fee.

Person retiring from business to notify registrar.

Preparation of Compounds.

23. All compounds named in the British Pharmacopæia shall be prepared according to the formula directed in the latest edition published "by authority" unless the College of Physicians and Surgeons of this Province select another standard, or unless the label distinctly shews that the compound is prepared according to another formula.

How compounds are to be prepared.

Sale of Poisons.

24. No person shall sell or keep open shop for retailing, dispensing or compounding poisons, or sell or attempt to sell any of the articles mentioned in Schedule "A" to this Act, or assume or use the title of "Chemist and Druggist," or "Chemist," or "Druggist," or "Pharmacist," or "Apothecary," or "Dispensing Chemist," or "Druggist," in any part of the Province of Ontario, unless such person is registered under this Act, and unless such person has taken out a certificate under the provisions of section 18 of this Act, for the time during which he is selling or keeping open shop for retailing, dispensing or compounding poisons, or assuming or using such title; provided, that nothing in this Act contained shall be taken to prevent the sale, by persons not registered in pursuance of this Act, of Paris Green, London Purple, and other arsenical insecticides, so long as such articles are sold in well secured packages distinctly labelled with the name and address of the seller and marked "Poison," and a record of such sales is kept as required under the provisions of this Act.

Restriction on sale of poisons, etc., and on the assumption of certain titles.

Proviso.

25. The several articles named or described in Schedule "A" shall be deemed to be poisonous within the meaning of this Act, and the Council of the Ontario College of Pharmacy, hereinbefore mentioned, may from time to time by resolution declare, that any article in such resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the said Council shall submit the same for the approval of the Lieutenant-Governor-in-Council, and if such approval is given, then such resolution and approval shall be advertised in the *Ontario Gazette*, and on the expiration of one month from such advertisement the article named in such resolution shall be deemed

Certain articles to be deemed poisonous.

deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions of this Act, or such of them as may be directed by the Lieutenant-Governor in-Council.

Certain poisons to be sold only in a certain manner.

26. No person shall sell any poison named in the first part of schedule "A" either by wholesale or retail, unless the box, bottle, vessel, wrapper or cover in which such poison is contained is distinctly labelled with the name of the article and the word "Poison" and if sold by retail, then also with the name and address of the proprietor of the establishment in which such poison is sold; and no person shall sell any poison mentioned in the first part of schedule "A" to any person unknown to the seller unless introduced by some person known to the seller; and on every sale of any such article the person actually selling the same shall, before delivery, make an entry in a book to be kept for that purpose, in the form set forth in schedule "C" to this Act, stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is stated by the purchaser to be required, and the name of the person, if any, who introduced him, to which entry the signature of the purchaser shall be affixed.

Offences and Penalties.

Penalties on wrongful sales.

27. No person shall wilfully or knowingly sell any article under the pretence that it is a particular drug or medicine which it is not in fact, and any person so doing (besides any other penalties to which he may be liable) shall be subject to the penalties prescribed by section 28 of this Act.

Penalties for infringement of this Act.

28. Any person transgressing any of the provisions of this Act, or selling any poison in violation thereof, shall for the first offence incur a penalty of twenty dollars and costs of prosecution, and for each offence committed subsequent to such conviction, a penalty of fifty dollars and costs of prosecution, to be recovered in a summary manner before one or more Justices of the Peace or Police Magistrate, on the oath of one or more credible witnesses, one moiety to belong to the prosecutor and the other to be paid to the registrar for the use of the College.

Proof on prosecution.

29. In any prosecution under this Act it shall be incumbent upon the defendant to prove that he is entitled to sell or keep open shop for compounding medicines or retailing poisons, and to assume the title of Chemist and Druggist, or other title mentioned in section 24 of this Act, and the production of a certificate purporting to be under the hand of the registrar and under the seal of the said College, shewing that he is so entitled, shall be *primâ facie* evidence that he is so entitled.

Price of articles sold contrary to this Act not to be recovered.

30. No person selling articles in violation of the provisions of this Act shall recover any charges in respect thereof in any Court of Justice.

Act

Act not to affect Medical Practitioners.

31. (1) Nothing in this Act contained shall extend to or interfere with the privileges conferred upon legally qualified medical practitioners by any of the Acts relating to the practice of medicine and surgery in this Province, and they may be registered as pharmaceutical chemists without undergoing examination; nor shall anything in this Act prevent any person whatsoever from selling goods of any kind to any person legally authorized to carry on the business of an apothecary, chemist or druggist, or the profession of a doctor of medicine, physician or surgeon, or veterinary surgeon, nor prevent the members of such professions supplying to their patients such medicine as they may require, nor interfere with the business of wholesale dealers in supplying poisons or other articles in the ordinary course of wholesale dealing.

Act not to apply to medical practitioners.

(2) Nothing in this Act shall prevent any member of the College of Physicians and Surgeons of Ontario from engaging in and carrying on the business of an apothecary, chemist or druggist without registration, under the provisions of this Act.

32. Upon the decease of any person legally authorized and actually carrying on the business of chemist and druggist at the time of his death, it shall be lawful for the executor, administrator or trustee of the estate of such person to continue such business if and so long only as such business is *bona fide* conducted by a pharmaceutical chemist registered under this Act, provided such executor, administrator or trustee continue to pay the annual registration fee of four dollars.

Executors may carry on business of deceased chemist, etc.

Honorary Members.

33. It shall be competent for the Council of the said College to elect as honorary members such persons as may be eminent for their scientific attainments, but such honorary members shall not as such be entitled to vote at elections or carry on the business of pharmaceutical chemists.

Election of honorary members.

34. All persons approved of by the Council of the said College, who hold diplomas from the Pharmaceutical Society of Great Britain, or certificates from any pharmaceutical college in the Dominion of Canada or elsewhere, may be registered as members of the Ontario College of Pharmacy without the examination prescribed by this Act.

Persons holding diplomas from other societies may be registered.

35. *The Pharmacy Act*, chapter 145 of the Revised Statutes of Ontario, is hereby repealed.

R.S.O., c. 145, repealed.

SCHEDULE "A."

(Secs. 24, 25 and 26.)

PART I.

Acid, Hydrocyanic (Prussic),	Ergot,
Aconite and compounds thereof,	Hemp, Indian,
Antimony, Tartrate of,	Morphia and its salts and solutions,
Arsenic and all the compounds thereof,	Oil, cedar,
Atropine,	Strychnine and Nux Vomica,
Conia, and the compounds thereof,	Savin and preparations of,
Corrosive sublimate,	Veratria.
Digitaline,	

PART II.

Acid, Oxalic,	Iodine,
Belladonna and the compounds thereof,	Opium with its preparations, in-
Beans, Calabar,	cluding laudanum, etc., but not
Cantharides,	paregoric,
Carbolic Acid,	Pink Root,
Chloral Hydrate,	Podophyllin,
Chloroform and Ether,	Potassium, Iodide of,
Conium and the preparations thereof,	Potassium, Bromide of,
Croton Oil and seeds,	St. Ignatius Beans,
Cyanide of Potassium,	Santonine,
Euphorbium,	Scammony,
Elaterium,	Stramonium and preparations,
Goulard Extract,	Valerian,
Hyosciamus and preparations,	Verdigris,
Hellebore.	Zinc, Sulphate of.

SCHEDULE "B," SEC. 13.

Name.	Residence.	Qualification.	Remarks.
A.B.	Kingston.	In business for three years prior to 15 Feb. 1871.	Dead.
C. D.	Hamilton.	Examined and Certified, July 12, 1871.	Erased by order of the Lieut.-Gov. dated 14 Oct., 1875.
E. F.	London.	Served apprenticeship and as assistant.	

SCHEDULE "C," SEC. 26.

Date.	Name of purchaser.	Name and quantity of poison sold.	Purpose for which it is required.	Signature of purchaser.	Address of purchaser.	Name of person introducing purchaser.

SCHEDULE "D," SEC. 17.

I hereby certify that *C. D.* having first passed the examination prescribed by the Pharmaceutical Council, or having on the fifteenth day of February, 1871, been in business as Chemist and Druggist on his own account, or having, prior to the fifteenth day of February, 1871, served an apprenticeship of three years and acted as Druggists' assistant for one year (*as the case may be*), was on the day of duly registered as a Pharmaceutical Chemist, and is authorized to carry on the business of Chemist and Druggist in the Province of Ontario, from the day of A.D. 18 to the day of A.D. 18

(Signed) E. F.,
[Corporate Seal.] Registrar of the Ontario College of Pharmacy.

CHAPTER 23.

An Act to amend the Act respecting Pawnbrokers and Pawnbroking.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 2, 3 and 4 of chapter 148 of the Revised Statutes of Ontario, intituled "*An Act respecting Pawnbrokers and Pawnbroking*," are hereby repealed, and the following substituted therefor:—

2. No person shall exercise the trade of a pawnbroker with-
in any municipality in this Province unless he shall have
obtained
- R. S. O. c. 148,
ss. 2-4 re-
pealed.

Pawnbrokers
to be licensed.

obtained a license therefor under the hand of the treasurer of the municipality in which he carries on or purposes to carry on such trade, nor unless he shall obtain a renewal of the same annually, but no such license shall be issued or renewed, unless the same shall have been first authorized by by-law of the council of said municipality.

Penalty for neglect to take out license.

3. Every person exercising such trade without having obtained such license or renewal thereof, as aforesaid, shall forfeit fifty dollars for every pledge he takes, to be recovered with costs in the same manner as the penalty with costs imposed in section 8 of this Act may be recovered.

Fee for license.

4. The sum of sixty dollars shall be paid for every such license or renewal thereof to such treasurer, for the use of the municipality.

R. S. O., c. 148, s. 8, repealed.

2. Section 8 of the said Act is hereby repealed, and the following substituted therefor:—

Penalty for neglect to exhibit sign.

8. In case any pawnbroker neglects to have such sign so placed, he shall forfeit forty dollars for every shop or place made use of for one week without having the same so put up, to be recovered with costs, before any police magistrate or two Justices of the Peace, and if not forthwith paid upon conviction, the same may, by warrant under the hand and seal of such police magistrate or two Justices of the Peace, be levied by distress and sale of the offender's goods, and said penalty shall belong and be paid to the municipality in which the offence was committed, and all other penalties recovered under this Act shall also belong and be paid to the municipality in which the offence was committed.

CHAPTER 24.

An Act to amend the Acts relating to Road Companies.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Shade trees may be set out on toll roads constructed under R.S.O., c. 152.

1. The Council of any municipality through which a toll road runs, that has been constructed under the *General Road Companies' Act*, or the owner of any land lying adjacent to the road, may set out shade and ornamental trees alongside the road, in the same manner and with the same rights as if the road were an ordinary highway.

2. The Council of any municipality through which the road runs, or any person by the permission or direction of the Council, may plant shade and ornamental trees, and may grade, level, cut down, or fill up the land, alongside of the road, and may build sidewalks of plank, gravel, or other material thereon, as if the road were an ordinary road or street.

Land by side of toll road may be used for certain purposes as if such road were an ordinary road.

3. The Council of any municipality through which any such road runs, shall have authority to make stone, wood or other crossings across such road, and may dig up the road for the purpose of making sewers, and may construct water courses across or alongside the road, and may construct culverts and approaches over water courses or ditches crossing or alongside of the road from streets, lanes or buildings in the municipality, and may raise or lower the road, or change the grade thereof when necessary in order to connect with other roads or streets, and shall have all other rights and privileges with regard to side-walks, culverts and approaches to the road as if the same were an ordinary highway or street, but the Council shall in every such case without unnecessary delay replace the road in as good condition as it was before any such work was undertaken, and shall keep in proper repair all such crossings.

Council of municipality may make crossings, etc., on road.

4. The preceding sections of this Act shall apply to and be held binding on any lessee or any owners of such road whether a joint-stock company or otherwise.

Preceding sections to apply to lessees and owners of roads.

5. Section 3 of chapter 13 of the Acts passed in the forty-sixth year of Her Majesty's reign and intituled "*An Act to amend the Act respecting Joint Stock Companies for the construction or purchase of Roads and other Works*," is hereby appealed.

46 V. c. 13, s. 3, repealed.

6. Section 146 of chapter 152 of the Revised Statutes of Ontario, intituled "*An Act respecting Joint Stock Companies for the construction or purchase of Roads and other Works*," is hereby amended by inserting after the word "report" in the third line thereof, the following words:—"To the Lieutenant-Governor in Council and also."

R. S. O., c. 152, s. 146, amended.

7. The said section 146 of the said Revised Statute is hereby further amended by adding the following sub-sections thereto:—

Sec. 146 further amended

(2) The return required by this section shall be verified by a statutory declaration of one of the directors of such company.

(3) Any violation of this section shall subject the company violating the same to a penalty of fifty dollars for each violation, and of the additional sum of twenty-five dollars for each month during which any such company neglects to make such

return;

return ; such penalty to be recovered under the provisions of this Act and paid over to the Treasurer of this Province.

Sec. 148 repealed.

8. Section 148 of the said Revised Statute is hereby repealed and the following substituted therefor :—

Book of accounts to be open to inspection.

148. Such book shall be at all times open to the inspection of any person who may for that purpose be appointed by the Commissioner of Public Works of this Province, or by the municipality having jurisdiction as aforesaid.

CHAPTER 25.

An Act to amend the Timber Slide Companies' Act of 1881.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

44 Vic., c. 19,
s. 15 amended.

Section 15 of "*The Timber Slide Companies' Act of 1881*" is hereby amended by substituting for the words "except as hereinafter provided," in said section, the words "except as is provided in the said Revised Statute, chapter one hundred and fifty-three."

CHAPTER 26.

An Act to amend the Acts respecting the supplying of Gas and Water.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Municipal corporation constructing works to supply with gas or water buildings on line of supply, on request.

1. Where any municipal corporation has constructed any gas or water works for supplying the municipality with gas or water, and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the said corporation, upon the same being requested by the owner, occupant or other person in charge of any such building.

2. Where a company, whether incorporated or unincorporated, has constructed any gas or water works for supplying any municipality or municipalities with gas or water, and where there is a sufficient supply thereof, it shall be the duty of such company to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the company, upon the same being requested by the owner, occupant or other person in charge of any such building.

Company constructing works to supply gas or water to buildings on line of supply, on request.

3. The corporation or company, before supplying gas or water to any building or as a condition to its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor or for carrying the gas or water into such building.

Corporation or company may require security from consumer.

4. Nothing in this Act contained shall be construed in any way to affect the liability of any corporation or company in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of the corporation or company in respect thereto shall remain as if this Act had not been passed.

Liability for failure of supply not affected.

5. (1) Where any company incorporated under the *Revised Statute respecting Joint Stock Companies, for supplying Cities, Towns and Villages with Gas and Water*, hereafter borrows money upon a conveyance by way of mortgage given under section 62 of the said Act, and it is by such mortgage declared that the same is intended to be a preferential charge upon the property and rights covered thereby, the said mortgage, upon being registered in the Registry office of the Registry Division in which the lands affected lie, shall, subject to the provisions of the registry laws, take priority of any mortgage, bond, debenture, or other security subsequently executed or granted by the said company.

Company giving mortgage under R.S.O., c. 157, s. 62, may make same a preferential charge on property and works.

(2) Nothing herein contained shall be used to aid in determining whether or not mortgages heretofore executed by any such company are within section 64 of the said Act.

6. Sections 1 and 2 of the Act passed in the forty-fifth year of Her Majesty's reign, intituled: "*An Act to extend the powers of Companies for supplying Cities, Towns and Villages with Gas and Water*," shall hereafter apply to every company incorporated under the Act passed in the sixteenth year of Her Majesty's reign, intituled: "*An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*," or under the *Consolidated Statute of Canada*, chapter 65, or the *Revised Statute of Ontario*, chapter 157, whether such company is incorporated for the purpose of supplying gas or water, or both, or for the purpose of furnishing any other means of heating or lighting.

45 V., c. 18, ss. 1 & 2, to apply to companies incorporated under 16 V., c. 173; C.S.C., c. 65, and R.S.O., c. 157.

CHAPTER 27.

An Act respecting Co-operative Associations, Joint Stock Companies, Benevolent Societies, and other Corporations.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R.S.O., c. 158, s. 1, repealed. 1. Section 1 of the *Revised Statute respecting Co-operative Associations* is hereby repealed, and the following substituted therefor:—

Seven or more persons may associate together for co-operative labour, trade, etc.

1. (1) At any time hereafter, any seven or more persons who desire to associate themselves together for the purpose of carrying on any labour, trade or business, or several labours, trades or businesses, whether wholesale or retail, except the working of mines, minerals or quarries, and except also the business of banking and insurance, may make, sign and acknowledge before a notary public or justice of the peace, in duplicate, and file in the office of the registrar of the county, or other registration division in which the business of the Association is intended to be carried on, a certificate in writing in the form mentioned in the schedule to this Act, or to the same effect, together with a copy of the rules agreed upon for the regulation, government and management of the Association, signed by such persons respectively.

Signatures to rules to be verified.

(2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before any notary public, justice of the peace, or commissioner authorized to take affidavits in the High Court, or before the registrar or deputy registrar.

Incorporation.

(3) Upon the filing of the certificate and rules as aforesaid, the members of the Association shall become a body corporate by the name therein described, with power to hold such lands as are required for the convenient management of their business.

Registrar to endorse certificate of filing if required.

(4) The registrar or deputy registrar shall, if desired by the person filing the certificate, endorse upon the other duplicate certificate, and upon a duplicate of the rules, certificates of the other duplicates having been filed in his office, with the date of filing, and every such certificate shall be *prima facie* evidence of the facts stated therein and of the incorporation of the Association.

Alteration of rules.

(5) Subject to the requirements of section 5 and the provisions of the said Act, all rules made by the Association may be

be repealed, altered or amended by other rules passed at any meeting of the Association specially called for that purpose ; provided that no new rule shall have any force or effect until a copy thereof, proved by the affidavit of the President or other head officer of the Association to be a true copy of the rule or rules passed by the Association at a meeting specially called for the purpose of considering the same, has been filed in the registry office in which the certificate of incorporation was filed.

2. Sections 6 and 7 of the said *Revised Statute respecting Co-operative Associations*, are hereby repealed. R.S.O., c. 158, ss. 6 and 7, repealed.

3. (1) When a society, incorporated under the provisions of the *Act respecting Benevolent, Provident, and other Societies*, is desirous of changing its name, or of changing any of the purposes contained in the original certificate or declaration of incorporation, a judge of the high court or a judge or junior or deputy judge of a county court of the county, or a stipendiary magistrate of the district where the society holds its annual meetings, upon being satisfied that the change desired is not for an improper purpose and is not otherwise objectionable, may make an order reciting the certificate and declaration of incorporation and making the change desired. Change of name, etc., by company incorporated under R.S.O., c. 167.

(2) Such order shall be filed in the office in which the certificate and declaration were filed, and a copy of the order, certified by the Provincial Registrar or his deputy, or by the clerk of the peace, as the case may be, to be a true copy of the order filed in the office of the Registrar or clerk, shall be *prima facie* evidence of the change having been made as therein set forth. Order to be filed.

(3) No change under the two preceding sub-sections shall affect the rights or obligations of the society, and all suits or proceedings commenced by or against the society prior to the change of name may be proceeded with by or against the society under its former name. Rights and obligations of society not affected.

4. (1) The *Revised Statute respecting the changing of the names of Incorporated Companies* shall extend, and shall be deemed to have extended from the time of the passing thereof, to any company incorporated under "*The Ontario Joint Stock Companies' Letters Patent Act*," if such company has made or makes an application thereunder, and shall also extend to every corporation aggregate within the legislative authority of the Legislature of this Province, except a municipal corporation or other corporation of a like nature. R.S.O., c. 172, to apply to companies incorporated under R.S.O., c. 150.

(2) The notice prescribed by section 2 of the said *Revised Statute* shall only be required where the applicants are a trading corporation or company carrying on a business for profit. Limitation as to notice under R.S.O., c. 172, s. 2.

Letters Patent of re-incorporation under R.S.O., c. 150, s. 65, may authorize increase of capital.

5. (1) Where a company is re-incorporated under section 65 of "*The Ontario Joint Stock Companies' Letters Patent Act*," the Lieutenant-Governor may, by the Letters Patent, increase the capital stock of the company to any amount which the shareholders of the company, applying for re-incorporation may, by a resolution passed by a vote of not less than two-thirds in value of those present in person or by proxy, at a general meeting of the company duly called for considering the same, have declared to be requisite for the due carrying out of the objects of the company.

Allotment of new stock.

(2) The resolution may prescribe the manner in which the new stock is to be allotted; and in default of its so doing, the control of the allotment shall vest absolutely in the directors of the new company.

Lieutenant-Governor in Council may prescribe fees.

6. The Lieutenant-Governor in Council may from time to time prescribe the fees to be paid on applications to the Government for the incorporation of companies, or with respect to changes in the names, constitution or powers of companies or other incorporated bodies, either under this Act or under any other Act of the Legislature of Ontario.

CHAPTER 28.

An Act respecting Supplementary Licenses to Mutual Insurance Companies.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Conditions on which supplementary licenses may be issued.

1. Where a Mutual Fire Insurance Company has in terms of section 8 of the *Mutual Fire Insurance Companies' Act, 1881*, deposited with the Provincial Treasurer satisfactory evidence of a guarantee capital of 50,000 dollars at the least, or has complied with the provisions of section 15 of the same Act, it shall, under such regulations as the Lieutenant-Governor in Council from time to time approve, be lawful for the Provincial Treasurer to issue to the company a license qualifying the company to undertake other branches of insurance, except life or accident insurance; but for every additional kind of insurance, there shall be required such additional deposit, or satisfactory evidence of such additional guarantee capital, as the said regulations shall prescribe, and such license or licenses shall be subject to the provisions of section 7 of the said Act.

Fees for supplementary licenses.

2. For every such license there shall be paid to the Provincial Treasurer a fee of twenty dollars, and for every annual renewal ten dollars, and for a renewal after suspension or cancellation twenty dollars.

CHAPTER

CHAPTER 29.

An Act respecting Building Societies.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 21 of chapter 164 of the Revised Statutes of Ontario is hereby amended by inserting after the words “real estate,” the words “debentures of any society or company incorporated under this Act or any Act incorporated there-with.” R. S. O. c. 164, s. 21, amended.

2. Section 41 of chapter 164 of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor:—“Except as provided in and subject to sections 52, 53, 54 and 55, every such Society, by its rules, regulations and by-laws, authorized to borrow money, shall not borrow, receive, take, or retain otherwise than in stock and shares in such Society, from any person or persons, any greater sum than the amount of capital actually paid in on unadvanced shares, or on fixed and permanent capital, and invested in real securities by such Society; and the paid in and subscribed capital of the Society shall be liable for the amount so borrowed, received, or taken by any Society.” R. S. O. c. 164, s. 41, repealed. Limitation of borrowing powers.

3. Sub-section 1 of section 52 of chapter 164 of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor: “The Board of Directors of any such Society having a paid-up capital of not less than one hundred thousand dollars in fixed and permanent stock, not liable to be withdrawn therefrom, may issue debentures of such Society to such an amount as, with all the other liabilities of such Society, shall be equal to double the amount of the paid up, unimpaired, fixed, and permanent capital or shares not liable to be withdrawn therefrom, together with a further sum which may be equal to but shall not exceed the amount unpaid upon the subscribed, fixed, and permanent capital upon which not less than twenty per cent. has been paid; provided, that in no case shall the total liabilities to the public exceed three times the amount paid upon fixed and permanent shares in such Society;” Provided that nothing in this Act contained shall in any way impair or affect the validity of any debenture or debentures heretofore issued by any such society pursuant to the provisions of any Act in that behalf. R. S. O. c. 164, s. 52, repealed. Power to borrow on debentures. Proviso. Proviso.

4. If the interest of any person or persons in any share or shares On transmission of shares

by death, etc.,
the transferee
must file de-
claration
shewing
nature of
transmission.

shares in the capital stock, or in any bond, debenture or obligation of any Building Society or Loan and Savings Company, such bond, debenture or obligation not being payable to bearer, hath become or shall become transmitted in consequence of the death, or bankruptcy, or insolvency of any such holder, or in consequence of the marriage of a female holder, or by any other lawful means other than a transfer upon the books of the Society, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Society, or to recognize such transmission in any manner until a declaration in writing, shewing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, shall have been filed with the manager of the Society or Company and approved by the directors; and if such declaration, purporting to be signed and executed, shall also purport to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough, or other place, or a British Consul or Vice-Consul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to such declaration, and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of such transmission to be entered in the books of the Society or Company.

The transfer-
ree must also in
certain cases
file probate of
will or certified
extract from
same, when
directors may
allow transfer.

5. If such transmission has taken place or shall hereafter take place by virtue of any testamentary act or instrument, or in consequence of any intestacy, the probate of the will or letters of administration, or act of curatorship, or testamentary, or other judicial or official document under which the title, whether beneficial or as trustee or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's dominions or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the said declaration, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving the same, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid.

When direc-
tors have

6. Whenever the directors shall entertain reasonable doubts

as

as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons, or the proceeds thereof, then and in such case it shall be lawful for the Society or Company to file in the High Court of Justice of the Province of Ontario, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons, or proceeds to the party or parties legally entitled to the same, and such court shall have authority to restrain any action, suit or proceedings against the Society, the directors or officers thereof, for the same subject matter, pending the determination of the said petition; and the Society or Company, and the directors and officers thereof, shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claim and demands in respect of the matters which shall have been in question in such petition, and the proceedings thereupon; Provided always, that if the court adjudges that such doubts were reasonable the costs, charges and expenses of the Society or Company in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures or obligations, dividends, coupons or proceeds, and shall be paid to the said Society before the Society shall be obliged to transfer or assent to the transfer, or to pay such shares, bonds, debentures or obligations, dividends, coupons or proceeds to the party or parties found entitled thereto.

reasonable doubts as to legality of claim they may take opinion of High Court of Justice.

Costs.

7. The word "Society" in this Act shall also include and mean "Company."

The word "Society" to include "Company."

8. The secretary or treasurer or secretary-treasurer of any such Society or Company may be styled "manager," and when such officer is also a director he may be styled "managing director."

"Manager" and "Managing Director."

CHAPTER 30.

An Act to amend the Railway Act of Ontario.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Railway Amendment Act, 1884.*"

Short title.

2. The company shall not be entitled to any mines of iron, slate, or other minerals under any land purchased by them except

Company not entitled to mines without

express
agreement.

except only such parts thereof as shall be necessary to be dug or carried away, or used in the construction of the works, unless the same shall have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

Mines not to
be worked in
certain cases
if company so
desires and
makes com-
pensation
therefor.

3. If the owner, lessee, or occupier of any mines or minerals lying under the railway or any of the works connected therewith or within the prescribed distance, or where no distance shall be prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee or occupier shall give to the company notice in writing of his intention so to do thirty days before the commencement of working, and upon the receipt of such notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose, and if the company shew to the satisfaction of the Commissioner of Public Works that the working of such mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for such mines or any part thereof to such owner, lessee or occupier thereof, then he shall not work or get the same; and if the company and such owner, lessee or occupier do not agree as to the amount of such compensation the same shall be settled as in other cases of disputed compensation under "*The Railway Act of Ontario*."

Mines may be
worked if
company does
not give notice
as to com-
pensation.

4. If before the expiration of such thirty days the company do not state their willingness to treat with such owner, lessee or occupier for the payment of such compensation, it shall be lawful for him to work the said mines or any part thereof for which the company shall not have agreed to pay compensation, so that the same be done in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the district where the same shall be situate, and if any damage or obstruction be occasioned to the railway or works by improper working of such mines, the same shall be forthwith repaired or removed, as the case may require, and such damage made good by the owner, lessee or occupier of such mines or minerals and at his own expense; and if such repair or removal be not forthwith done, or if the company shall so think fit without waiting for the same to be done by such owner, lessee or occupier, it shall be lawful for the company to execute the same and recover from such owner, lessee or occupier the expense occasioned thereby by action in any court of competent jurisdiction.

Right to make
airways, etc.,
where working
of mines under
railway pre-
vented.

5. If the working of any such mines under the railway, or works, or within the above mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees, and occupiers of such mines, and whose mines shall extend so

as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be cut or made without first procuring the consent in writing of the Commissioner of Public Works of the Province; nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon.

6. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines extending so as to lie on both sides of the railway all such additional expenses and losses as shall be incurred by such owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expenses, the same shall be settled by arbitration under "*The Railway Act of Ontario*."

Compensation by company for loss by severance of mine.

7. For better ascertaining whether any such mines are being worked, or have been worked, so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, or are supposed so to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked, or about so to be.

Power for company to enter mines for purpose of ascertaining whether working endangers railway.

8. If any such owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding one hundred dollars.

Penalty for refusing company access to mines.

9. If it appear that any such mines have been worked contrary to the provisions of this Act, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the railway and preventing injury

Works required for safety of railway to be constructed.

injury thereto ; and if after such notice any such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway; the company may themselves construct such works and recover the expenses thereof from such owner, lessee, or occupier by action in any court of competent jurisdiction.

Words in this Act to have the meaning assigned by R.S.O., c. 165, s. 2.

10. Where in this Act there occur any words or expressions which have meanings assigned to them by section 2 of "*The Railway Act of Ontario*," such words or expressions shall, in the construction of this Act, have the meaning assigned to them by said section 2.

R.S.O., c. 165, s. 20, sub-s. 15, amended.

11. Sub-section 15 of section 20 of "*The Railway Act of Ontario*" is amended by adding thereto the following proviso, that is to say, "Provided however, that the right of desisting shall not be exercised more than once."

CHAPTER 31.

An Act to authorize the substitution of terminable annuities for Railway Aid Certificates.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of terminable annuities authorized.

1. In lieu of and for the purpose of retiring any outstanding certificates heretofore issued, or which may hereafter be issued, in aid of any railway under the authority of any Act of the Legislature of this Province, the Lieutenant-Governor in Council may direct the granting of terminable annuities for such terms, not in any case exceeding forty years, as the Lieutenant-Governor may from time to time deem expedient, and every annuity so granted shall be a charge upon the Consolidated Revenue Fund of this Province.

Rate of interest on which annuities to be based.

2. The said annuities shall be based on a rate of interest not exceeding five per cent. per annum, and shall be evidenced by such form of certificate or other instrument as the Lieutenant-Governor in Council may direct.

Annuities may be sold or exchanged. }

3. The Provincial Treasurer may sell any annuities authorized under this Act, and apply the proceeds thereof in the payment of any certificates issued as aforesaid, in aid of railways, or he may, with the consent of the holders of certificates and upon such terms as may be agreed on, exchange such annuities for any certificates held by them.

CHAPTER

CHAPTER 32.

The Municipal Amendment Act, 1884.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known and cited as "*The Municipal Amendment Act, 1884.*" Mode of citation.

2. Section 77 of "*The Consolidated Municipal Act, 1883,*" 46 V., c. 18, s. 77, amended. is hereby amended by inserting between the word "corporation" and the word "shall" in the twelfth line thereof the words "and no person who is counsel or solicitor, either by himself, or with or through another, in the prosecution of any claim, suit or proceeding against the municipality."

3. In order that widows and unmarried women who are in 46 V., c. 18, s. 79, amended. their own right rated for a property or income qualification sufficient to qualify male voters may hereafter have the right to vote at Municipal Elections, it is enacted that section 79 of the said Act is hereby amended, by inserting after the word "being" in the third line thereof, the words "widows, Female franchise. unmarried women, or."

4. In addition to any other oath or affirmation, which may now be required of any person claiming to vote at a municipal election, the following oath or affirmation may also be required of any widow or unmarried woman so claiming to vote:—

"You swear (*or, solemnly affirm*) that you are the person named or purporting to be named in the list (*or, supplementary list*) of voters now shewn to you.

"That you are unmarried (*or, a widow, as the case may be.*)"

5. Section 116 of the said Act is hereby repealed, and the following substituted therefor: 46 V., c. 18, s. 116, repealed.

116. At the nomination meeting or at any time within two days thereafter, any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the Clerk or other Returning Officer or Chairman shall, on the day following that of the nomination, post up in the office of the Clerk of the Municipality the names of the persons proposed for the respective offices; provided always, that the resignation Resignation of persons proposed for office at nomination meetings. after the nomination meeting of any person so proposed shall be in writing, signed by him and attested by a witness and shall, Proviso.

Proviso.

shall, within said two days, be delivered to the Clerk of the Municipality; provided, also, that if by reason of any such resignation no candidate but one remains proposed for any particular office, the clerk or other returning officer shall declare such candidate duly elected for such office.

46 V., c. 18,
s. 234,
amended.

6. Section 234 of the said Act is hereby amended by adding thereto the following proviso:

Summoning
of special
meetings of
council in
absence of the
Mayor, etc.

"Provided, that in the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by the clerk upon a special requisition to him, signed by a majority of the members of the council."

Time for ap-
pointment of
auditors in
cities.

7. (1) Notwithstanding anything in the said Act, the council of any city which shall pass a by-law declaring that it is expedient to appoint its auditors in the month of December in each year, shall, while such by-law remains in force, and in the month of December in each year, instead of at its first meeting after being duly organized, appoint two auditors.

Filling
vacancies.

(2) Every such council, in the event of a vacancy in the office of auditor happening by death, resignation or otherwise, may by by-law fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made.

Accounts may
be audited be-
fore payment.

(3) Every such council may also, by by-law, provide that such auditors shall audit all accounts before payment.

Duty of
auditors.

(4) The auditors so appointed shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction.

Application of
existing laws
as to appoint-
ment of
auditors.

(5) The provisions of the existing law as to the appointment of auditors, shall, notwithstanding this Act, or any such by-law, apply to the audit of the accounts of the year in which the by-law takes effect.

46 V., c. 18,
s. 368,
repealed.

8. Section 368 of the said Act is hereby repealed, and the following substituted therefor:—

Exemption of
manufactories
or water works
from taxation.

368. Every Municipal Council shall by a two-third vote of the members thereof have the power of exempting any manufacturing establishment or any water works or water company in whole or in part, from taxation for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years.

46 V., c. 18,
s. 377,
repealed.

9. Section 377 of the said Act is hereby repealed, and the following substituted therefor:—

377. (1) If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the Council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or in local improvement debentures of the municipality or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or in any other debentures of the municipality which may be approved of by the Lieutenant-Governor in Council by any such order; and from time to time, as such securities mature, may invest in other like securities; no sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured according to the last revised and corrected assessment roll at the time it is invested.

Investment of surplus moneys raised on special rates.

(2) The Council of such Municipality may regulate by by-law the manner in which such investments shall be made.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund, and deal with the same accordingly.

Sinking fund may be used in purchasing unsold Debentures.

10. (1) An award not binding upon the council until adoption, as mentioned in section 404 of *The Consolidated Municipal Act, 1883*, shall, if adopted, be subject to the jurisdiction of the court and to review on the merits at the instance of the person whose property is affected or taken, in the same manner as is provided by section 405 in respect of any award not requiring adoption, and the provisions of sections 403 and 405 shall hereafter extend to every such award.

Power of courts to review awards adopted by councils, etc.

(2) Such award may be moved against within the term next after the adoption thereof.

(3) This section shall also apply to an award made under section 16 of "*The Public Parks Act, 1883*," where such award is not binding on the Board of Park Management until adoption.

11. Sub-section 3 of section 495 of the said Act is hereby amended by striking out the words "the Clerk of each Municipality within the County," and inserting instead thereof the words "at the discretion of the Council, either the Treasurer or Clerk of the County, or the Clerk of any Municipality within the County."

46 V. c. 18, s. 495, amended.

12. The council of every city, town and incorporated village may pass by-laws :

By-laws to regulate the cleanliness of wharves, docks, etc.

(1) For regulating and compelling the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same.

46 V. c. 18, s. 496, sub-ss. 1, 3, 4, 6, 7, 8, 39, 40, 41 and 49, repealed.

13. Sub-sections 1, 3, 4, 6, 7, 8, 39, 40, 41 and 49 of section 496 of the said Act are hereby repealed, and hereafter the Council of every city, town, incorporated village and township may pass by-laws :

By-laws for wells, etc.

(1) For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and private conveniences for the supply of water, and for closing public and private wells ; for preventing the fouling of the same and the wasting of water therein or therefrom ; for procuring an analysis of any such water and providing for the payment of the expense thereof, and for making reasonable charges for the use of public water ;

Tainted provisions.

(2) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food ;

Nuisances.

(3) For preventing and abating public nuisances ;

Closing and filling up cess-pools, etc.

(4) For compelling the owners, lessees and occupants of real property within any defined area to fill up or close any wells, water-closets, privies, privy-vaults, or cesspools the continuance of which may in the judgment of the council be dangerous to health ;

Slaughter-houses, gas-works, distilleries, etc.

(5) For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ;

Limits in which animals may be kept.

(6) Also for preventing or regulating the keeping of cows, goats, pigs and other animals, and defining limits within which the same may be kept ;

Construction of cellars, drains etc.

(7) For regulating the construction of cellars, sinks, cess-pools, water-closets, earth closets, privies and privy vaults, and for compelling and regulating the manner of draining, cleaning, clearing, and disposing of the contents of the same ;

Filling up, draining, etc., grounds, yards, etc.

(8) For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains ;

Regulations for sewerage, etc.

(9) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes ;

Inspection of milk and provisions.

(10) For appointing inspectors and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets

streets or in public places, or in shops, and for licensing and regulating milk vendors and for fixing the fee to be paid for such license at a sum not to exceed one dollar for one year.

(11) For making provision for supplying blanks for the notification and recording of cases of contagious disease, for giving public notice of houses wherein such cases exist, and for taking such measures as by any Act respecting the Public Health or any other Act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases. Contagious diseases.

(12) For regulating or preventing the ringing of bells, blowing of horns, shouting and other unusual noises, or noises calculated to disturb the inhabitants. Ringing of bells, etc.

14. Sub-section 45 of said section 496 of the said Act is hereby repealed and the following substituted therefor: 46 V. c. 18, s. 496, sub-s. 45, repealed.

(45) For regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law. Regulating traffic on streets and width of wheels.

15. The powers which by section 503 of the said Act are given to the Council of any city, town and incorporated village to pass by-laws 46 V. c. 18, s. 503, extended to townships.

(1) For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed; and Markets.

(2) For preventing the use of deleterious materials in making bread, and for providing for the seizure and forfeiture of bread made contrary to the by-law, Bread.

are hereby given to the Council of every township.

16. Sub-section 6 of section 504 of the said Act is hereby repealed, and it is hereby enacted that the council of any city, town and incorporated village may pass by-laws for regulating the erections of buildings and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the city, town or village; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city, town or village, and for regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fire proof, and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed, repaired or placed in contravention of any by-law. 46 V. c. 18, s. 504, sub-s. 6, repealed. Regulating erection of buildings and fences. Establishment of fire limits.

17. Section 531 of the said Act is hereby amended by adding thereto the following sub-section: 46 V. c. 18, s. 531 amended.

Repair of crossings, etc., made by leave of municipality on toll roads constructed under General Road Companies Act.

(3) The Corporation shall, in the absence of any agreement to the contrary, keep in repair all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done by the said Council of any municipality, or by any person with the permission of the said Council, upon any toll road in or through the said municipality, that has been constructed under the *General Road Companies Act*, and on default so to keep in repair shall be responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained.

46 V., c. 18, s. 584, sub-s. 2.

18. Sub-section 2 of section 584 of the said Act is hereby repealed, and the following substituted therefor:—

Compelling municipalities to make necessary drainage repairs.

(2) Any such municipality neglecting or refusing so to do upon reasonable notice in writing being given by any person interested therein, and who is injuriously affected by such neglect or refusal, may be compellable by *mandamus*, to be issued by any court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property is injuriously affected by reason of such neglect or refusal.

46 V., c. 18, s. 586, amended.

19. Section 586 of the said Act is hereby amended by inserting immediately after the word "provisions," in the second line thereof, the words "of this Act, or."

46 V., c. 18, s. 612, sub-s. 1, repealed.

20. Sub-section 1 of section 612 of the said Act is hereby repealed, and the following sub-section substituted therefor:—

Manner of ascertaining real property benefited by local improvements.

(1) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; and there shall be the same right of appeal from any such assessment to the Court of Revision, and from the Court of Revision to the County Judge, as is provided for by section 570 of this Act, and the proceedings thereon shall, except as otherwise provided in section 618 of this Act, be the same respectively as in the case of appeals from ordinary assessments under the *Assessment Act*.

Appeal.

46 V., c. 18, s. 612, sub-s. 8.

21. Sub-section 8 of section 612 is hereby repealed, and the following sub-sections substituted in lieu thereof:—

Construction of sewers, etc., in part to be provided by Council.

(8) If the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; the council of any municipality which has not passed a by-law within and under the provisions of section 620 of

of this Act shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and shall also provide the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment.

(9) Upon the receipt of a petition praying for any of the works, improvements or services mentioned in this section, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, such owners representing at least one-half in value of such real property, the council may make the necessary assessment, pass the necessary by-laws, and take all proper and necessary proceedings for the execution and completion of such work, improvement or service, with as little delay as possible.

Council to undertake works on petition of owners to be benefited.

22. In any case where two-thirds in number of the owners representing at least one-half in value (exclusive of the value of improvements) of the lands benefited, and liable to special assessment for the proposed improvements, works, or services, have heretofore, in pursuance of section 552 of chapter 174 of the Revised Statutes of Ontario, and as if the same had always remained in force, petitioned any council praying for the making, construction, or doing of any of the improvements, works, or services, provided for by *The Consolidated Municipal Act, 1883*, or by any other special or private Act relating to any city, town or incorporated village, all assessments made or hereafter to be made, and all by-laws passed or hereafter to be passed, by any such council, to provide for, and to defray the cost of any works, improvements, or services, undertaken and carried on pursuant to any such petition, are hereby confirmed and declared valid and binding assessments and by-laws on all persons and bodies corporate concerned, and all real estate thereby affected, notwithstanding the council may have omitted to publish a notice of their intention to make the proposed assessments, as required by section 612 of the said *The Consolidated Municipal Act, 1883*; Provided, that nothing herein contained shall be construed as dispensing or having dispensed with the notice of the sitting of the Court of Revision, for the confirmation of the special assessments, required to be given under the provisions of section 618 of the said *The Consolidated Municipal Act, 1883*.

Confirmation of former by-laws and assessments for local improvements.

Proviso.

23. (1) The council of every county and township may appoint one or more salaried constables for the municipality, to hold office during the pleasure of the council; every such constable, and any city, town or village constable shall have the same powers and privileges, and be subject to the same liability and to the performance of the same duties, and shall be subject also to suspension by the judge of the county court in the same

County and township constables.

Their powers.

same manner and may act within the same limits as a constable appointed by the court of general sessions.

Rights of
salaried con-
stables to
fees.

(2) Where any salaried constable is appointed for any municipality, whether by the Municipal Council or by Police Commissioners, the council may agree that such constable shall keep for his own use his fees of office, or the council may require that the said fees shall be paid to the municipal treasurer for the use of the municipality.

Time for per-
formance of
Statute
Labour.

24. The times to be appointed for the performance of Statute Labour under the Act passed in the forty-sixth year of the reign of Her Majesty, and intituled *An Act to provide for the performance of Statute Labour in unincorporated Townships*, shall, unless the meeting of landholders to elect commissioners under said Act otherwise directs, be not earlier than the twentieth day of June, nor later than the twentieth day of July in any year.

CHAPTER 33.

An Act to amend the Revised Statute respecting Municipal Institutions in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O. c. 75,
s. 1, repealed.

1. Section 1 of the *Revised Statute respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay*, is hereby repealed, and the following substituted therefor :

Municipalities
may be
organized.

1. The inhabitants of any township in any of the districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay, having a population of not less than 100 persons, may organize themselves into a township municipality, and the inhabitants of any locality in any of the said districts not exceeding in area 20,000 acres not surveyed into a township or townships, and having a population of not less than 100 persons, may likewise organize themselves into a township municipality.

Operation of
sec. 53
extended.

2. Section 53 of the said Act is hereby extended to any municipality or municipalities created by Act of the Legislature in any provisional judicial, temporary judicial or territorial district, and to any territory lying adjacent thereto.

CHAPTER 34.

An Act to improve the Liquor License Laws.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of chapter 181 of the Revised Statutes of Ontario is amended by adding thereto the following: R.S.O., c. 181,
s. 2, amended.

(5) "License District" shall mean the city, county, union of counties, or electoral district or districts, or any part of an electoral district, or a union of parts of two or more electoral districts, as the Lieutenant-Governor in Council may by order direct. "License District."

(6) "Polling sub-division" shall mean the polling sub-division for the last general election for the district for the Legislative Assembly in which the licensed premises or the premises for which a license is sought are situated. "Polling sub-division."

(7) "License Inspector" shall mean an Inspector of Licenses appointed under the *Liquor License Act*. "License Inspector."

(8) The words "liquor" or "liquors" when used in this Act shall have the same meaning as in the said *Liquor License Act*. "Liquor."

2. From and after the first day of January, 1885, sub-section 3 of section 4 of the *Liquor License Act* is repealed and the following is substituted therefor: R.S.O., c. 181,
s. 4, sub-s. 3,
repealed.

(3) For declaring that in cities having a population according to the then last Dominion census of less than 15,000, a number not exceeding three persons; a population of between 15,000 and 30,000, a number not exceeding five persons; a population of over 30,000, a number not exceeding ten persons; and in towns having a population of over 6,000, a number not exceeding two persons qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law. Exemption from having accommodation.

3. Sub-section 3 of section 7, is hereby amended by adding thereto the following: "provided always that the petition or application therefor shall have been filed with the Inspector on or before the first day of April next preceding." Sec. 7 sub-s. 3, amended.

4. The following sub-sections shall be added to section 9 of the said Act. Sec. 9, amended.

(5)

Board to fix a day for considering applications.

(5) The Board of Commissioners shall, on or before the first day of April, fix a day for considering applications for licenses, being not less than one week prior to the first day of May in each year, and the Inspector shall publish, in at least two issues of a newspaper published in the district, if there be one published therein, the date and place of such meeting at least fourteen days before the day of such meeting. The Inspector shall also cause a notice containing similar information to be fixed to or near the outer door of the building in which his office is situated.

Notice by Inspector as to applications for licenses.

(6) The Inspector shall, at least fourteen days before the first meeting of the Board to consider applications, cause to be published in at least two issues of some newspaper published in the district, if there be one published therein, the name of each applicant for a license, who is not at the time of the making of such application a licensee under this Act, or who applies for the licensing of premises not then under license, the description of license applied for, and the place (described with sufficient certainty) where such applicant proposes to sell, and also the total number of tavern and shop licenses issued during the current license year, and the total number of applications for the ensuing year. He shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar information, and the same shall be open to the public for inspection without charge.

Objections to applications for license.

(7) It shall be the right and privilege of any ten or more electors of any polling sub-division to object by petition, or in any similar manner, to the granting of any license within such sub-division. The objections which may be taken to the granting of a license may be one or more of the following:

As to character of applicant.

(8) That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of one year; or that he has kept within a period of two years, a place in which the illicit sale of liquors was frequent and notorious; or—

As to his premises.

(9) That the premises in question are out of repair, or have not the accommodation required by law, or reasonable accommodation if the premises be not subject to the said requirements; or—

As to the neighbourhood.

(10) That the licensing thereof is not required in the neighbourhood, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted.

Hearing objectors.

(11) Any person who has signed a memorial against the granting of a license may be heard in opposition thereto by himself or his agent.

And those authorized by

(12) The Council of any city, town or incorporated village, or township,

township, may authorize any person to appear in a similar manner on behalf of the ratepayers of such city, town, incorporated village, or township, as to the granting of a license, and such person so authorized shall have a right to be heard before the Board against the granting of such license.

municipalities.

(13) Unless at the instance of the Board, no objection in respect of the character of any applicant shall be entertained until three days' notice has been given to the applicant. The notice may be served personally or left at the usual place of residence or business of the applicant. The service may be proved orally or by affidavit sworn before a justice of the peace or a commissioner for taking affidavits.

As to objections to character.

(14) Notwithstanding anything in this Act contained, the Board may, of their own motion, take notice of any matter or thing which in their opinion would be an objection to the granting of a license, although no notice or objection has been given or made as by this Act provided: in any such case the Board shall notify the applicant, and shall adjourn their hearing of the application, if requested by him, for any period not exceeding fourteen days in order that any person affected by the objection may have an opportunity of answering the same.

Board may notice matters not mentioned by objectors.

Notice to applicant in such cases.

(15) The decision of the Board, when once announced by the chairman, shall not be questioned or reconsidered; provided, nevertheless, that in cases in which the decision of the Board has not been unanimous, or in cases in which the person or persons affected by such decision, petition the Board and allege facts or grounds for their consideration not formerly before them, the Board may by resolution, in which all of the Commissioners concur, decide to re-hear the case. Where a rehearing is allowed, notice thereof shall be given by the inspector to at least one of the petitioners or his agent.

Decision of Board final.

(16) No license shall be granted to any applicant for premises not then under license or shall be transferred to such premises if a majority of the persons duly qualified to vote as electors in the sub-division at an election for a member of the Legislative Assembly, petition against it, on the grounds hereinbefore set forth, or any of such grounds. In case of any dispute as to whether the number of electors who have signed such petition compose a majority of the said duly qualified electors of the sub-division, or, in case of a dispute as to whether any one or more persons who have signed the petition are duly qualified voters, the clerk of the municipality in which the sub-division is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case certify to the Board the number of duly qualified electors aforesaid for the sub-division and the number of such electors who have signed the petition, and his certificate shall be final and conclusive.

Majority of electors may prevent license.

(17) Any petition against the granting of a license shall be lodged with the Inspector at least four days before the said first meeting

Time for filing.

meeting of the Board to consider the application; and the Inspector shall present the same to the Board at the first meeting thereof.

Posting list of petitions, etc.

(18) The Inspector shall keep a list posted in his office for three days previous to the meeting of the Board, of all certificates and petitions lodged with him as aforesaid, and every such petition or certificate shall be open for public inspection without fee.

Hearing and determining objections.

(19) Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the Board.

Proceedings at hearings.

(20) Every such hearing shall be open to the public, and the Board may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of justices in relation to summary convictions and orders; and any member of the Board may administer the oath; but nevertheless nothing herein contained shall prevent the Board from retiring or sitting with closed doors while considering or preparing their decision or judgment in respect of any application or applications.

Adjourning meetings.

(21) Any meeting of the Board for the consideration of applications may, at the discretion of the Board, be adjourned from time to time to the same or any other place or building within the district.

Office of inspector.

(22) Where the Inspector has not taken or set apart premises especially for the purposes of an office, the room or rooms in which he usually conducts his official business, whether at his residence or place of business, shall be deemed to be his office for the purposes of this Act.

Foregoing sub-sections declaratory only.

(23) The foregoing sub-sections of this section are declared to be obligatory on the Board and Inspector, but non-compliance therewith shall not invalidate the action of the Board or Inspector. Nothing in this sub-section contained shall authorize the granting of a license contrary to the provisions of the aforesaid sixteenth sub-section.

R.S.O., c. 181, s. 19, amended

5. Section 19 of the *Liquor License Act* is amended by inserting therein, after the words "four bed rooms" in the fifth line thereof, the words "and in cities six bed rooms." This section shall not come into force until the first day of May, 1885.

Section 24 amended.

6. Section 24 of the said Act is amended by striking out the word "March," in the second and sixth lines thereof, and substituting therefor the word "April," and by adding to said section, immediately after the words "may think fit," the following: "And such last-mentioned by-law may be made

made to come into force on the first day of May then next ensuing, or on the first day of May of the succeeding year, and any such by-law so hereafter to be passed shall not be repealed during the three years next after the year in which the same shall come into force."

(3) No shop license to sell liquors in any store, shop, place or premises where groceries or other merchandise are sold, or exposed for sale, other than mineral or aerated waters (not containing spirits,) ginger ale, liquor cases, bottles, or liquor baskets, or packages, taps or faucets, or in any store, place or premises connected by any internal communication with such first-mentioned store, shop, place or premises, shall hereafter be granted to any person who is not a licensee or the holder of a shop license at the time of the passing hereof, or to his assigns.

No new shop licenses to be granted.

(4) If any other commodity or goods are sold or exposed for sale, save as aforesaid, in any licensed shop in the preceding sub-section provided for, the license shall be void, and such licensed person may be convicted of selling liquor without license upon proof that any other commodity or goods is or are exposed for sale or sold at such shop, save as aforesaid, and such conviction shall be conclusive evidence that such person is unlicensed. Nothing in this section shall limit the authority of municipal councils in respect of shop licenses under sections 23 and 24 of the *Liquor License Act*. All the provisions regarding the closing of licensed taverns and sales, and evidences of sales therein during prohibited hours shall apply to shops licensed in any municipality after such by-law shall have come into force, and to shops which are provided for in the next preceding sub-section.

License void if other goods sold.

(5) The aforesaid mineral or aerated waters or ginger ale shall not be sold in less quantities than one-half dozen bottles, and shall not be allowed to be consumed upon the licensed premises under the same penalty as is provided for a breach of said section 45 of the said *Liquor License Act*.

Mineral waters not to be consumed upon licensed premises.

(6) When the council of any municipality have, during the year 1884, passed the by-law secondly provided for in section 24, the said council may in their discretion postpone the coming into force of said by-law to a day not later than the first day of May, 1885; but in such case the by-law shall not be repealed for three years from the time the same shall come into force.

Council may postpone coming into force of by-law.

(7) From and after the first day of May, in the year 1888, no shop license shall be granted to any person to sell liquors in any store, shop, place or premises where groceries or other merchandise are sold, or exposed for sale, except as aforesaid, or in any store, place or premises, connected, by any internal communication, with such first mentioned store, shop, place or premises.

Conditions for obtaining shop license.

R.S.O., c. 181,
s. 28,
amended.

7. Section 28 of the said Act is amended by adding thereto the following, as sub-section 4:

Report of
Inspector
may be dis-
pensed with.

(4) Where an application is made for a transfer of a license issued to a tavern or shop situate in a remote part of the License District, or where for any other reason the License Commissioners see fit, they may dispense with the report of the Inspector, and act upon such information as may satisfy them in the premises.

Section 40
amended.

8. Section 40 of the said Act is amended by adding thereto the following words:

“Nor shall the occupant of any such shop, eating-house, saloon, or house of public entertainment, unless duly licensed, permit any liquors, whether sold by him or not, to be consumed upon the premises, by any person other than members of his family or employees, or guests not being customers.”

Clubs or societies incor-
porated under
R.S.O., c. 167,
not to sell
liquors.

9. (1) Any society, association or club which has been or shall be formed or incorporated under chapter 167 of the Revised Statutes, and any unincorporated society, association or club which has been or may be formed or carried on specially or chiefly for the purpose of selling, bartering, or supplying, or of enabling any such society, association or club to sell, barter or supply liquor to the members thereof, or to others, without a license, under the said *Liquor License Act*, and so as by means of such organization to evade the operations of the said *Liquor License Act*, and any member, officer or servant thereof, or person resorting thereto, who shall sell or barter liquor to any member thereof or to any other person without the license therefor, by the said *Liquor License Act*, or amendments thereto, required, shall be held to have violated section 39 of the said *Liquor License Act*, and shall incur the penalties provided for the sale of liquor without license.

Keeping of
liquor by clubs
or societies a
violation of
sec. 40.

(2) The keeping or having in any house or building, or in any room or place occupied or controlled by such club, association or society, or any member or members thereof, or by any person resorting thereto, of any liquor for sale or barter, shall be a violation of section 40 of the said *Liquor License Act*.

Consumption
of liquor,
evidence of
sale.

(3) Proof of consumption or intended consumption of liquor in such premises by any member of such club, association or society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor, and the occupants of the premises or any member of the club, association, or society, or person who resorts thereto shall be taken conclusively to be the person who has or keeps therein such liquor for sale or barter; and any liquor found upon such premises shall be liable to seizure in the manner provided by the said *Liquor License Act* and the amendments thereto.

10. The following shall be read as section 43a of said Act:
(43a)

(43a) And no sale or other disposal of liquor shall take place in any licensed premises within the limits of a polling sub-division, on any polling day for or at any Parliamentary election, or election of a member for the Legislative Assembly, or any municipal election, or on any day in which a vote in accordance with the provisions of the *Canada Temperance Act, 1878*, is being taken, from or after the time of six o'clock in the morning of the said day, until the following lawful day at six o'clock in the morning.

No sales on
polling days.

11. The following shall be substituted for section 52 of the said Act :

R. S. O., c.
181, s. 52,
repealed.

52. For punishment of offences against section 43 of this Act, a penalty for the first offence against the provisions thereof, of not less than twenty and not more than forty dollars with costs or fifteen days' imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or the tenants or agents in occupancy of the said place or places, who are found by himself, herself, or themselves, or his, her, or their servants or agents, to have contravened the said section 43, or any part thereof; for the second offence, a penalty against all such of not less than forty and not more than eighty dollars with costs, or twenty days' imprisonment with hard labour; for a third offence, a penalty against all such of not less than eighty and not more than one hundred dollars with costs, or fifty days' imprisonment with hard labour, and such conviction for a third offence shall, in addition to any other punishment by law provided, *ipso facto* operate as a forfeiture of the license held by the person so convicted, and disqualify him from obtaining a license for two years thereafter.

Penalty for
contravention
of sec. 43.

Second of-
fence.

Third offence.

12. Any medical practitioner or justice of the peace who colourably gives a certificate or requisition for medical purposes, without which liquor could not be lawfully obtained, or be lawfully obtained from a chemist or druggist, in quantities of more than six ounces, to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage, shall for the first offence be liable to a penalty of not less than ten dollars, nor more than twenty dollars, and for a second or any subsequent offence, of not less than twenty dollars nor more than forty dollars.

Medical prac-
titioner or
justice of the
peace not to
give a requis-
ition for liquor
colourably.

13. Where a prior conviction or convictions have been had, it shall be the duty of the Inspector of Licenses when aware of the same, or when the same have been brought to his knowledge, to prosecute as for a second or subsequent offence as the case may be, but an omission by the Inspector to do this shall not invalidate any conviction that may have been obtained.

Inspector to
prosecute for
second offence
where sale on
Saturday
night and
Sunday.

obtained. This section shall only apply to convictions for violations of that portion of section 43 of the *Liquor License Act* which prohibits the sale, or other disposal, of liquors in all places where intoxicating liquors are, or may be, sold, from and after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter; but where any prior conviction is for a violation of said section 43, the onus of establishing that it was not for a violation during the said hours from Saturday night until Monday morning, shall lie upon the defendant.

Sec. 11
amended

14. Section 11 of the *Liquor License Act* is hereby amended by adding, after the word "Ontario" in the fifth line, the following words, "The Industrial Exhibition of Toronto."

Sec. 62
amended.

15. Section 62 of the said Act is amended by striking out the words "any person," in the third and fourth lines, and substituting therefor, "the License Inspector, or the Board of Commissioners, or the County Attorney."

Sec. 63
repealed.

16. Section 63 of the said Act is repealed.

Sec. 70
amended.

17. Section 70 of the said Act is amended by striking out the words "in cities," in the first and second lines thereof.

APPEALS.

Sec. 71 re-
pealed.

18. Section 71 of the said Act is repealed, and the following is substituted therefor:—

Conviction of
justices final
and con-
clusive, ex-
cept as other-
wise provided.

71. (1) In all cases of prosecution for any offence against any provisions of this Act for which any penalty or punishment is prescribed, a conviction or order of the said Justices or Police Magistrate, as the case may be, except as hereinafter mentioned, shall be final and conclusive, and, except as hereinafter mentioned, against such conviction or order there shall be no appeal.

Procedure on
appeals.

(2) An appeal shall lie from a conviction to the Judge of the County Court of the county in which the conviction is made, sitting in Chambers, without a jury, provided a notice of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction, subject to the following provisions.

Appellant to
enter into a
recognizance,

(3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labour is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of two hundred dollars each, before the convicting Justices or Police Magistrate, conditioned personally to appear before the said Judge, and to try such appeal and abide his judgment thereupon, and to pay such costs as he may order, and in case the appeal is against a conviction

whereby

whereby only a penalty or sum of money is adjudged to be paid, the appellant may, (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit, with the said Justices or Police Magistrate convicting, the amount of the penalty and costs, and a further sum of twenty-five dollars to answer the respondent's costs of appeal.

or deposit
amount of
penalty and
costs.

(4) Upon such recognizance being given or deposit made, the said Justices or Police Magistrate shall liberate such person, if in custody, and shall forthwith deliver or transmit by registered letter post-paid, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the Clerk of the County Court of the county wherein such conviction was had.

Justices to
transmit de-
positions to
Clerk of
County Court.

(5) The appellant shall pay to the Clerk of the County Court, for his attendance and services in connection with such appeal, the sum of one dollar, and the same may be taxed as costs in the cause.

Clerk's fees.

(6) The practice and procedure upon such appeal, and all the proceedings thereon, shall thenceforth be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, so far as the same is not inconsistent with this Act.

R. S. O., c.
75, to apply.

19. Section 72 of the said Act is hereby repealed, and the following is substituted therefor:—

R. S. O., c.
181, s. 72,
repealed.

72. An appeal by the Inspector of Licenses, or other prosecutor, shall lie to the Court of Appeal from the decision, judgment, or order of any Judge of a County Court upon an appeal from any conviction or order made in a case arising out of or under the *Liquor License Act*, or any amendments thereto, in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act or Acts of the Legislature of this Province, or of any part thereof, or from the decision, judgment or order of the Judge of a County Court in any other case arising out of or under the said *Liquor License Act* or any amendments thereto in which the Attorney-General of the Province shall certify that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal; such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days, or where the certificate of the Attorney-General is necessary and shall be obtained, within fifteen days after such judgment, decision or order shall have been made, and, in the case of such appeal, the Clerk of the County Court shall certify the judgment, conviction, orders and all other proceedings, to the Registrar of the Court of Appeal, Toronto, for use upon the appeal. The said Court shall thereupon hear and determine the said appeal, and shall make

Appeal to
Court of
Appeal.

make such order for carrying into effect the judgment of the Court as the Court shall think fit.

20. The following shall be read as section 87a of said Act.

Inspector's
expenses to be
allowed for
attending
court.

87a. In any prosecution under this Act, or the *Temperance Act of 1864*, or the *Temperance Act of Ontario*, or the second part of the *Canada Temperance Act of 1878*, if the Inspector of Licenses attends the court as prosecutor or witness and travels to attend such court a distance of more than three miles from his place of residence, it shall be lawful for the justice or justices trying the case to tax against the defendant, in cases of conviction, as costs in the cause to cover railway fare or hire of conveyance of the Inspector of Licenses in attending the said prosecution, as follows :

Railway or
stage fare.

(1) In case he travels by railway or stage the fares actually required to be paid by him ;

Hired
conveyance.

(2) If by a hired conveyance, the sums actually required to be paid for a horse, conveyance, and tolls ;

His own
conveyance.
Other
expenses.
Adjourn-
ments.

(3) If in his own conveyance, ten cents per mile one way ;

(4) And to cover all other expenses one dollar per day ;

(5) In cases of adjournment at the instance of the defendant similar additional allowances to be made ; when the Inspector is actually in attendance.

Expenses veri-
fied by oath.

The mileage or other expenses shall be verified by the oath of the said Inspector.

Inspector to
make quar-
terly returns.

(6) The Inspector shall make quarterly returns in detail under oath to the department of the Provincial Secretary, of all sums received by him for mileage, and other expenses, in this section provided for.

Power of Jus-
tices to forbid
sale of liquor
to habitual
drunkards.

21. (1) When it shall be made to appear in open court sitting in the county in which he resides, that any person, summoned before such court, by excessive drinking of liquor, mispends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the Police Magistrate or justices holding such court, shall, by writing under the hand of such Police Magistrate, or under the hands of two of such justices, forbid any licensed person or persons to sell to him or her any liquor for the space of one year, and such Police Magistrate, justices, or any other two justices, of the county in which the said person resides, may, at the same or any other time, in like manner, forbid the selling of any such liquor to the said person by any licensed person or persons of any other city, town or district, to which he resorts or may be likely to resort for the same.

Effect of such
prohibition.

(2) Whenever the sale of liquor to any such drunkard shall have

have been so prohibited, if any other person, with a knowledge of such prohibition, gives, sells, purchases or procures for or on behalf of such prohibited person, or for his or her use, any liquor, such other person shall, upon conviction, incur for every such offence, a penalty of not less than ten dollars and not exceeding twenty dollars.

(3) Any person so prohibited or notified, his servants or agents, who shall violate this section, shall for a first offence be liable to a penalty not exceeding twenty dollars, and for a second, and any subsequent offence, shall be liable to a penalty of not less than twenty dollars and not exceeding fifty dollars.

Penalty for violation of this section.

(4) The person in respect of whom any such notice shall be given, may, at any time while the same is in force, apply to the Judge of the County Court, of the county in which he resides, after having given seven days' notice of his intention so to do to the police magistrate or justices who signed the said prohibition, or notice, and the County Crown Attorney for the county in which such person resides, to set aside such prohibition or notice. The Judge may, upon hearing the said party and any witnesses, either *viva voce* or upon affidavit, set aside the said prohibition or notice, or dismiss the said application, as in his discretion may seem best. Provided, nevertheless, that before any such prohibition or notice shall be set aside by the Judge, it shall be made to appear that the wife or husband (if married and residing with such wife or husband), as the case may be, of the person applying, has knowledge of such application and consents thereto.

Application to set aside prohibition or notice.

Judge may set aside prohibition or notice or dismiss application.

22. Section 90 of the said Act is repealed, and the following is substituted therefor:

Sec. 90 repealed.

90. The husband, wife, parent, child of twenty-one years or upwards, brother, sister, master, guardian or employer, of any person who has the habit of drinking intoxicating liquor to excess—or the parent, brother or sister, of the husband or wife of such person—or the guardian of any child or children of such person—may give notice in writing, signed by him or her, or may require the Inspector to give notice to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified, at any time within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, delivers, or in or from any building, booth or place occupied by him, and wherein or wherefrom any such liquor is sold, suffers to be delivered, any such liquor to the person having such habit, he shall incur upon conviction a penalty not exceeding fifty dollars, and the person requiring the

Husband, wife, etc., may notify sellers of liquor not to furnish it to any person addicted to drinking.

Married woman may bring action for damages.

the notice to be given may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) recover from the person notified such sum, not less than twenty nor more than five hundred dollars, as may be assessed by the Court or jury as damages; and any married woman may bring such action in her own name, without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, but the defendant shall not be liable for both penalties for the same offence.

One bar only.

23. Not more than one bar shall be kept in any house or premises licensed under this Act.

No license to ferry boat.

24. No license shall hereafter be granted to or for any ferry boat. The License Commissioners may make regulations regulating the sale of liquor on vessels to which licenses may be issued under their authority during excursions and at other times; such regulations shall in order to their validity be sanctioned by the Lieutenant-Governor in Council.

Entrance to hotel to be separate from bar.

25. No tavern license shall be granted in respect of any house in any city, town or incorporated village not already licensed, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold.

Penalty for refusing lodging, etc.

26. Every tavern keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to travellers, shall, for each offence, be liable, on conviction, to forfeit and pay any sum not exceeding twenty dollars.

Licensee not to purchase certain articles, or receive them in pledge.

27. If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, furniture, or provisions either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any Stipendiary or Police Magistrate, or any two Justices of the Peace, on sufficient proof on oath being made before him or them of the facts, may issue his or their warrant for the restitution of all such property, and for the payment of costs; and in default thereof, the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also be liable to a penalty not exceeding twenty dollars.

Restitution may be ordered and enforced.

Penalty for permitting drunkenness, etc.

28. If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers intoxicating liquor

liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be carried on on his premises, he shall be liable to a penalty of not less than ten dollars and not exceeding fifty dollars.

29. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty of not less than ten dollars and not exceeding fifty dollars for every day during which such communication remains open.

Penalty for using prohibited internal communications.

30. Any licensed person who allows to be supplied in his licensed premises, by purchase or otherwise, any description whatever of liquor to any person apparently under the age of sixteen years, of either sex, not being resident on the premises or a *bona fide* guest or lodger, shall, as well as the person who actually gives or supplies the liquor, be liable to pay a penalty of not less than ten dollars and not exceeding twenty dollars for every such offence.

Penalty for allowing liquors to be supplied to person apparently under age of 16.

31. (1) If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly, in manner provided by this Act.

Punishment for allowing liquor to be unlawfully consumed on premises.

(2) In any proceeding under this section it shall not be necessary to prove that the premises, or place, or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case, that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

What proof of offence sufficient.

32. (1) If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, be subject to the following penalties, that is to say:—

Case of purchaser drinking liquor on premises where bought, etc.

For

First offence. For the first offence he shall be liable to a penalty not exceeding twenty dollars;

Second or subsequent offence. For a second and any subsequent offence he shall be liable to a penalty of not less than ten dollars and not exceeding fifty dollars;

Interpretation. For the purpose of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

Penalty on purchaser in certain cases. (2) Any purchaser of liquors in a house or premises to which a shop or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty of not less than ten dollars and not exceeding twenty dollars.

What shall be deemed evidence of unlawful sale. **33.** The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person.

44 V. c. 27, s. 13 amended. **34.** Section 13 of the twenty-seventh chapter of the Acts passed in the forty-fourth year of Her Majesty's reign is hereby amended by inserting therein, immediately after the word "sections" which occurs in the first line thereof, the words following, namely, "ninety-two, and ninety-three."

Additional license duties. **35.** (1) Over and above the duties for licenses heretofore imposed by the *Liquor License Act* or any Act amending the same, and any duties which have been or may be imposed by any municipal by-law, unless the municipality shall by by-law otherwise provide, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the Consolidated Revenue of the Province:—

1. For each wholesale license	\$75 00
2. For each tavern license in cities	60 00
" " in towns	30 00
" " in incorporated villages ..	20 00
" " in townships	12 00
3. For each shop license in cities	60 00
" " in towns	30 00

For

For each shop license in incorporated villages ..	\$20	00
“ “ in townships	12	00
4. For each vessel license	25	00
5. For each wine and beer license, one-half of the said additional fee.		

(2) Nothing herein contained shall limit the right of the council of any municipality, without submitting the same to the rate-payers, by their by-law to fix the duties or fees upon licenses to the extent provided for by section 32 of the *Liquor License Act*, and the sum so fixed or to be fixed by any municipal council, may be in addition to the sum imposed by this section in and for the respective municipalities above mentioned.

License duties imposed by municipalities.

36. The time in which during the present year, 1884, any municipality may require a larger duty to be paid for tavern or shop licenses therein shall be extended until the fifteenth day of April, of the said year, and any municipality may vary, amend or repeal any by-law of such municipality in respect to license duties as late as the fifteenth day of April, during the present year.

Time to pass by-laws requiring larger duty, extended.

37. This Act shall be read with and as part of the said *Liquor License Act*, and may be cited as “*The Liquor License Act, 1884.*”

Short title.

CHAPTER 35.

An Act respecting License Duties.

[Assented to 25th March, 1884.]

WHEREAS the Parliament of Canada at the session thereof, held in the year one thousand eight hundred and eighty-three, passed an Act entitled “*The Liquor License Act, 1883,*” purporting to deal with the issue of licenses for the sale of liquor, and with the regulation of taverns, saloons, shops and vessels wherein liquor may be sold, and otherwise as by said Act is provided ; and

Preamble.

Whereas by sub-section 2 of section 7 of said Act it is provided as follows :

2. “But hotel, saloon and shop licenses and such other of the licenses by this Act authorized to be issued, as to which a Provincial Legislature may impose a tax in order to the raising of a revenue, shall be subject to the payment of such duty as the Legislature of the Province, under the power conferred on it by the ninth enumerated class of subjects in section ninety-two

ninety-two of "*The British North America Act, 1867*," may impose for the purpose of raising or in order to raise a revenue for provincial, local or municipal purposes."

And whereas by sub-section 2 of section 40 of said Act it is further provided as follows :

2. "Provided always that in any Province in which, in order to the raising of a revenue for provincial, local or municipal purposes, a duty has been imposed under the authority of "*The British North America Act, 1867*," on any license, before the license issues, the person entitled thereto shall establish, to the satisfaction of the Chief Inspector, that he has paid or tendered such duty."

And whereas the Legislature of this Province claims and contends that the right to legislate in respect of the aforesaid licenses and otherwise as to the sale of spirituous and fermented liquors and to regulate the sale thereof and the houses in which the same is sold, is by "*The British North America Act*" conferred upon Provincial Legislatures exclusively.

And whereas, apart from the hereinbefore recited sub-sections of the seventh and fortieth sections of the said "*Liquor License Act, 1883*," the authority to impose duties upon shop, saloon, tavern and other licenses, is in order to the raising of a revenue for provincial, local or municipal purposes vested in the Legislature of this Province by "*The British North America Act, 1867*."

Whereas, nevertheless, should the said Act of the Parliament of Canada, notwithstanding the said claim and contention of the Legislature of this Province, be held to be valid, it becomes necessary in order to the raising of a revenue for provincial, local and municipal purposes that a duty be imposed upon the licenses aforesaid, which may be issued under the authority of the said Act of the Parliament of Canada ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

License duties payable in respect of tavern and other licenses which may be issued under Dominion Liquor License Act of 1883.

1. The following license duties shall be payable upon and in respect of any of the licenses hereinafter mentioned which may be issued under and by virtue of the said Act of the Parliament of Canada, namely: "*The Liquor License Act, 1883*," that is to say :

For each hotel or tavern, saloon or shop license in cities,	
the sum of.....	\$300 00
For each hotel or tavern, saloon or shop license in towns,	
the sum of.....	\$250 00
For each hotel or tavern or shop license in an incorporated village,	
the sum of.....	\$150 00
For each hotel or tavern or shop license in townships,	
the sum of.....	\$120 00

For

For each wholesale license within the authority of the
 Legislature of this Province..... \$350 00
 For each license for a vessel within the authority of
 the Legislature of this Province, the sum of.... \$250 00
 An additional duty of \$ 20 00
 shall be paid upon the transfer or removal of
 any of the aforesaid licenses.

2. The said duties shall be paid by the licensee to the License Inspector appointed by the Lieutenant-Governor under the Ontario "*Liquor License Act*," for that portion of the license district, created under the said "*Liquor License Act, 1883*," in which the premises for which a license is sought are situated; and in the event of there being no such License Inspector, then the same shall be paid into any chartered bank situate within the license district, to the credit of the Treasurer of the said Province.

To whom
duties are to
be paid.

3. The said duties when so paid to the Inspector shall be paid by him into the license fund provided for by the said "*Liquor License Act*" of Ontario, and shall form part and parcel thereof. The same shall be applied under regulations of the Lieutenant-Governor in Council in the manner and for the purposes as provided by section 34 of the said "*Liquor License Act*." The sums and proportions thereof to be paid over to the Treasurer of the Province for the exclusive use of the Province, and to the several municipalities interested in the fund, shall be the same as by the said section 34 is provided.

Application of
payments.

4. Where any municipality, by by-law, requires—as it lawfully may do—larger duties to be paid upon and in respect of tavern or shop licenses than those hereinbefore specifically mentioned, the whole of such excess shall be paid over to the Treasurer of such municipality by the Inspector and Commissioners appointed under the said "*Liquor License Act*" of Ontario.

If a municipality imposes
larger duties
than above,
excess to be
paid to treasurer of municipality.

5. The duties upon or in respect of licenses by this Act made payable are not nor is any part thereof the same or identical with the duties payable upon or in respect of licenses under the "*Liquor License Act*" of Ontario, or any amendments thereto.

Duties under
this Act not
identical with
duties under
other Acts.

6. In the event of any such license as aforesaid being issued without the foregoing duties or the duties by way of excess which may be imposed by any municipal by-law, as aforesaid, or any part thereof, being first paid the same shall forthwith become a debt due by the licensee to Her Majesty for the use of the Province, and shall become a lien and charge upon the goods and chattels of the licensee, and upon any goods and chattels in or upon the licensed premises, and also upon the said

Payment may
be enforced by
distress.

said licensed premises, to the full extent of the interest therein, real or personal, of the licensee, in the same manner and to the same extent as in the case of taxes, as provided by section 105 of "*The Assessment Act*." The License Inspector to whom the said duties upon any license should have been paid shall forthwith collect the same in the same manner, as nearly as may conveniently be done, as the collector of rates and taxes may collect the latter under the *Assessment Act*, and may levy the amount unpaid and costs by distress and sale of the goods and chattels of the licensee, or of his chattel or personal interest in the aforesaid premises at the time of the issue of said license, or by distress and sale of any goods and chattels which may be found upon the licensed premises. The Inspector may either levy the said duties or may issue his warrant to his bailiff or agent for the purposes aforesaid. The costs chargeable shall be those payable to bailiffs under "*The Division Courts Act*." The demand and delay required by section 93 of the said *Assessment Act* shall not be necessary nor shall the entry of the said duties upon a collector's roll be requisite.

If distress insufficient, licensed premises may be sold.

7. In the event of the said Inspector being unable to realize sufficient to pay the amount due and costs by such levy and sale of goods and chattels, or of any chattel or personal interest in the aforesaid premises of the licensee, he shall, where the licensed premises are situate in a city or town set apart from the county, return the amount due to the city or town treasurer, and where the licensed premises are situate in any other municipality he shall, if the licensee has any interest in the said premises other than a chattel or personal interest, return the amount due to the County Treasurer. Any such treasurer shall realize the amount due and costs by the sale within one year from the date of such return to him of the interest of the said licensee in the said licensed premises at the time of the issue of the said license, or in such part of such licensed premises as may be necessary for the purpose, and the proceedings in and about such sale and the conveyance of the premises sold shall be as nearly as conveniently may be the same as those provided by the said *Assessment Act*.

"Licensed premises," meaning of.

8. The words "Licensed premises" in this Act shall mean the same as in the said "*Liquor License Act, 1883*."

"Licensee," meaning of.

9. The word "licensee" in this Act shall mean and include any person or persons or company to whom or in whose favour any license shall issue under or by virtue of the said "*Liquor License Act, 1883*."

"License Inspector," meaning of.

10. "License Inspector" when used herein shall mean an Inspector appointed by the Lieutenant-Governor under the Ontario "*Liquor License Act*."

11.

11. Nothing in this Act contained shall be held or construed to be in any wise an admission by this Legislature of the validity of the said "*Liquor License Act, 1883*," nor an adoption or enactment thereof, or of any part thereof, under section 94 of "*The British North America Act, 1867*."

Validity of
Dominion Act
not admitted.

CHAPTER 36.

An Act to amend "The Ontario Tree Planting Act, 1883."

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 4 of section 4 of "*The Ontario Tree Planting Act, 1883*," is hereby repealed and the following substituted therefor:—

46 Vic. c. 26,
s. 4, sub-sec. 4,
repealed.

(4) Every growing tree, shrub or sapling whatsoever planted or left standing on either side of any highway for the purposes of shade or ornament shall, upon, from and after the passing of this Act, be deemed to be the property of the owner of the land adjacent to such highway and nearest to such tree, shrub or sapling.

Property in
trees growing
on side of high-
way.

2. Any person who ties or fastens any animal to, or injures or destroys any tree growing for the purposes of shade or ornament upon any boundary line between farms or lots, or who suffers or permits any animal in his charge to injure or destroy, or who cuts down or removes any such tree without the consent of the owner or owners of such tree, shall be subject to the like penalties and liable to be proceeded against and dealt with as provided in section 9 of the said Act.

Penalty for in-
juring shade
or ornamental
trees growing
on boundary
line between
farms or lots.

CHAPTER 37.

An Act to prevent the spread of Noxious Weeds, and of Diseases affecting Fruit Trees.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

R. S. O., c.
188; 42 V. c.
33, and 44 V.
c. 28, repealed.

1. Chapter 188 of the Revised Statutes of Ontario, entitled "*An Act to prevent the spreading of Canada Thistles*," chapter 33 of the Acts passed in the forty-second year of Her Majesty's reign, entitled "*An Act to protect Plum and Cherry Trees*," and chapter 28 of the Acts passed in the forty-fourth year of Her Majesty's reign, entitled "*An Act to prevent the spread of the Yellows among Peach, Nectarine and other Trees*," are hereby repealed.

Duty of
owners and
occupants as
to destruction
of weeds, etc.

2. It shall be the duty of every owner of land, or the occupant thereof if the owner is not resident within the local municipality wherein the same is situate—(1) To cut down or destroy all the Canada thistles, ox-eye daisy, wild oats, rag-weed and burdock growing on his land, and all other noxious weeds growing on his land to which this Act may be extended by by-law of the municipality, so often each and every year as is sufficient to prevent the ripening of their seed; (2) To cut out and burn all the black-knot found on plum or cherry trees on his land, so often each and every year as it shall appear on such trees; and (3) To cut down and burn any peach, nectarine or other trees on his land infected with the disease known as the yellows, and to destroy all the fruit of trees so infected.

Operation of
Act may be
extended.

3. (1) The Council of any city, town, township or incorporated village may by by-law extend the operation of this Act to any other weed or weeds or to any other disease of fruit trees or fruit which they declare to be noxious to husbandry or gardening in the municipality; and all the provisions of this Act shall apply to such noxious weeds and diseases as if the same were herein enumerated.

Appointment
of Inspector.

(2) Any such Council may, and upon a petition of fifty or more ratepayers shall appoint at least one Inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he is to receive for the performance of his duties; and in case a vacancy shall occur in the office of Inspector, it shall be the duty of the council to fill the same forthwith.

Exemption
waste or unoc-
cupied lands.

(3) The council of any township in which there are any large tracts or blocks of waste or unoccupied land, may upon the petition of not less than thirty ratepayers, by by-law suspend the operation of this Act, in respect of such waste or unoccupied lands; the by-law to define with sufficient clearness the tracts or blocks of land so exempted; such by-law to remain in force until repealed by such council; and until repealed the lands therein described shall be exempt from the operation of this Act.

Duty of
Inspector.

4. (1) It shall be the duty of such Inspector to give or cause to be given notice in writing to the owner or occupant of any land within the municipality whereon the said noxious weeds are growing

growing and in danger of going to seed (and in the case of property of a railway company, such notice shall be given to any station master of such company resident in or nearest to the municipality), requiring him to cause the same to be cut down or destroyed within ten days from the service of such notice; and it shall be the duty of the Inspector to give or cause to be given such notice for the first time not later than the tenth day of July in each year, or such other earlier date as may be fixed by by-law of the municipality.

(2) In case such owner or occupant of land (or, if it be railway property, then the station master upon whom notice has been served) refuses or neglects to cut down or destroy all or any of the said noxious weeds within the period aforesaid, the said Inspector shall enter upon the land and cause such weeds to be cut down or destroyed with as little damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor; or the Inspector, instead of entering upon the land and causing such weeds to be cut down or destroyed, may lay information before any Justice of the Peace as to such refusal or neglect, and such owner or occupant shall, upon conviction, be liable to the penalties imposed by section 10 of this Act.

(3) But no such Inspector shall have power to cut down or destroy noxious weeds on any land sown with grain; and where such noxious weeds are growing upon non-resident lands it shall not be necessary to give any notice before proceeding to cut down or destroy the same.

5. (1) The said Inspector shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act with respect to each parcel of land entered upon therefor, and shall deliver a statement, of such expenses, describing the land entered upon, and verified by oath, to the owner or occupant of resident lands, requiring him to pay the amount.

Account of
Inspector's
expenses and
payment
thereof.

(2) If any owner or occupant of land amenable under the provisions of this Act deems such expense excessive, an appeal may be had to the said Council (if made within thirty days after the delivery of such statement), and the said Council shall determine the matter in dispute.

(3) In case the owner or occupant of resident lands refuses or neglects to pay the same within thirty days after such request for payment, the said claim shall be presented to the Council of the municipality in which such expense was incurred, and the said Council is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general purposes of the said municipality.

6. The said Inspector shall also present to the said Council

Provision as
to expenses in

case of non-resident land.

a similar statement, verified by oath, of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident lands; and the said Council is hereby authorized and required to audit and allow the same, or so much thereof as to said council may seem just, and to pay so much thereof as has been so allowed.

Collection of sums paid for expenses by municipality.

7. The Council of the municipality shall cause all such sums as have been so allowed and paid by the council under the provisions of this Act to be by the Clerk severally placed upon the collector's roll of the municipality against the lands described in the statement of the Inspector, and to be collected in the same manner as other taxes imposed by laws of the municipality.

Duty of overseers of highways.

8. It shall be the duty of the Overseers of highways in any municipality to see that the provisions of this Act relating to noxious weeds are carried out within their respective highway divisions by cutting down or destroying or causing to be cut down or destroyed at the proper times to prevent the ripening of their seed, all the noxious weeds growing on the highways or road allowances within their respective divisions; such work to be performed as part of the ordinary statute labour, or to be paid for at a reasonable rate by the Treasurer of the municipality, as the Council of the municipality may direct.

Duty of Inspector on special complaint.

9. If written complaint be made to the Inspector that yellows or black-knot exist within the municipality, in any locality described in such complaint with reasonable certainty, he shall proceed to examine the fruit trees in such locality, and if satisfied of the presence of either disease he shall immediately give notice in writing to the owner or occupant of the land whereon the affected trees are growing, requiring him within five days from the receipt of said notice to deal with such trees in the manner provided by section 2 of this Act.

Penalties.

10. (1) Any owner or occupant of land who refuses or neglects to cut down or destroy any of the said noxious weeds, after notice given by the Inspector, as provided by section 4, or who knowingly suffers any of the said noxious weeds to grow thereon, and the seed to ripen so as to cause or endanger the spread thereof, or who suffers any black-knot to remain on plum or cherry trees, or keeps any peach, nectarine or other trees infected with yellows or the fruit of trees so infected, shall upon conviction be liable to a fine of not less than five nor more than twenty dollars for every such offence.

(2) Any person who knowingly sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of Canada thistles, ox-eye daisy, wild oats, rag-weed, burdock or wild mustard shall, for every such offence, upon conviction, be liable to a fine of not less than five nor more than twenty dollars.

(3)

(3) Any person who knowingly offers for sale or shipment, or sells or ships the fruit of trees infected with yellows shall, upon conviction, be liable to a fine of not less than five nor more than twenty dollars.

(4) Every Inspector, Overseer of highways, or other officer, who refuses or neglects to discharge the duties imposed on him by this Act shall, upon conviction, be liable to a fine of not less than ten nor more than twenty dollars.

11. Every offence against the provisions of this Act shall be punished and the penalty imposed for each offence shall be recovered and levied, on summary conviction, before any Justice of the Peace; and all fines imposed shall be paid to the Treasurer of the municipality in which the offence is committed, for the use of the municipality. Recovery and application of penalties.

12. The Council of every municipality in Ontario shall require its Inspector, Overseer of highways and other officers to faithfully discharge all their duties under this Act. Municipalities to require officers to enforce Act.

13. Where used in this Act the term "non-resident land" shall apply to all lands which are unoccupied, and the owner of which is not resident within the municipality, and the term "resident lands" shall apply to all lands which are occupied or which are owned by persons resident within the municipality. Interpretation. "Non-resident land." "Resident lands."

CHAPTER 38.

An Act to make further provisions respecting the Public Health.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as "*The Public Health Act, 1884.*" Short title.

2. In this Act the following words and expressions shall have the meaning hereinafter assigned to them respectively, unless such meaning is inconsistent with the context, that is to say: Interpretation.

(1) "Owner" means the person for the time being receiving the rent of the lands or premises in connection with which the word

word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the same if such lands and premises were let.

"Health district," "District," "Local Board," and "Board."

(2) "Health District" or "district" means any local municipality, or union of local municipalities, under the jurisdiction of a Local or District Board of Health, and "Local Board" or "Board" shall include a District Board.

"House."

(3) "House" includes schools, factories and other buildings, huts and tents used for human habitation or work, whether such use is permanent or temporary, and whether the same are stationary or moveable.

"Street."

(4) "Street" shall include every highway, road, square, row, lane, mews, court, alley and passage, whether a thoroughfare or not.

Powers of Provincial Board to make regulations for prevention or mitigation of disease.

3. Whenever this Province, or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, or contagious disease, the Provincial Board of Health may, subject to the approval of the Lieutenant-Governor in Council, issue such regulations as the Board deems necessary, for the prevention, as far as possible, or the mitigation of disease, and may make, renew or alter any such regulations, or substitute new regulations; and the said Board may, by such regulations, provide:

(1) For the frequent and effectual cleansing of the streets, yards, and out-houses, by the local health authorities, or by the owners or occupiers of houses and tenements adjoining thereto.

(2) For the removal of nuisances.

(3) For the cleansing, purifying, ventilating and disinfecting of houses, churches, buildings, and places of assembly, railway stations, steamboats, railway carriages and cars, as well as other public conveyances by the owners and occupiers, and persons having the care and ordering thereof.

(4) For regulating, so far as this Legislature has jurisdiction in this behalf, with a view of preventing the spread of infectious disease, the entry or departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving passengers or cargoes on board the same.

(5) For the safe and speedy interment of the dead, and the conduct of funerals, with a view of preventing the spread of infectious diseases as aforesaid.

(6) For supplying medical aid, and accommodation, and medicine, and such other articles as may be deemed necessary for mitigating such epidemic, endemic, or contagious disease.

(7) For house to house visitation.

(8)

(8) For preventing or mitigating such epidemic, endemic or contagious disease in such other manner as to the said Provincial Board seems expedient.

4. It shall be the duty of the Local Boards of Health to superintend and see to the execution of any such regulations; or to execute, or aid in executing the same within their respective districts; and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require.

Local Boards to see to execution of regulations.

5. The Provincial Board of Health may, by order, declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any Local Board of Health or any municipality, and, so far as this Legislature has jurisdiction, to apply to boats, vessels, railway carriages and cars, or other conveyances in any portion or portions of the Province.

Provincial Board may determine extent to which regulations are to apply.

6. All orders and regulations so made shall take effect from the approval thereof and shall be forthwith published in the *Ontario Gazette* and at least one newspaper within the district, or portion or portions of the Province, in which they shall be declared in force.

Publication of orders and regulations.

7. During the time that any such orders or regulations are in force in any Health District as provided by the four next preceding sections of this Act, all by-laws of the Local Board of such district which, in any manner, conflict with any such order or regulations, shall be suspended.

Conflicting by-laws of Local Board suspended.

8. The expenses incurred by the said Provincial Board of Health in connection with such epidemic, shall be defrayed out of any moneys appropriated by the Legislature specially for that purpose, and the expenses incurred by the said Local Boards of Health in the execution or in superintending the execution of the regulations of the Provincial Board, shall be defrayed and provided for by the Municipal Corporations having jurisdiction over the respective places affected.

Expenses of Provincial and Local Boards, how defrayed.

9. The Local Board of Health may also, from time to time, direct any prosecution or legal proceedings for, or in respect of, the wilful violation or neglect of any such regulation.

Prosecution for neglect of regulation.

10. The Provincial Board of Health shall meet quarterly at Toronto, and at such other places and times as may be fixed under a resolution of the Board. Three members shall be a quorum for the transaction of business.

Meetings of Board.

11. With the concurrence of that member of the Executive Council to whose department the Provincial Board of Health is for the time being assigned by the Lieutenant-Governor in Council,

Investigations as to causes of contagious or other disease.

Council, the Board may send its secretary, or any member or members of the Board, to any part of the Province when deemed necessary, to investigate the cause or causes of any contagious or other disease or mortality; and at such investigation evidence may be taken on oath or otherwise as the said secretary, member or members may deem expedient; and in such case the secretary, or any member of the Board present at the investigation, may administer the oath; and the said investigating committee shall have power by warrant, under the hand and seal of any one of its members, to call upon any person to give evidence regarding any matter in question in the said investigation; and the said investigating committee shall have all the powers which may be conferred upon Commissioners under *The Act respecting Inquiries concerning Public Matters*.

PART II.—LOCAL BOARDS OF HEALTH: THEIR ORGANIZATION.

Local Boards
of Health,
their constitu-
tion and
powers.

12. (1) All the powers and authorities conferred upon or vested in the members of any municipal council or councils by any statute of the Legislature of this Province, as health officers of the said municipality or municipalities, shall hereafter be vested in the Local or District Board of Health which shall be formed in such municipality or municipalities as hereinafter provided.

(2) There shall be a Local Board of Health in each township and incorporated village, to be composed of the reeve, clerk and three ratepayers, to be appointed annually by the municipal council.

(3) There shall be a Local Board of Health in each town containing less than four thousand inhabitants according to the municipal enumeration of the previous year, to consist of the mayor, clerk and three ratepayers, to be appointed annually by the municipal council.

(4) There shall be a Local Board of Health for each city and for each town containing more than four thousand inhabitants, according to the municipal enumeration of the previous year, to consist of the mayor and eight ratepayers, to be appointed annually by the municipal council.

Appointment
of members of
Board.

13. (1) The first appointment of members of the said Board shall be made at the first meeting of the municipal council after the first day of May next.

(2) The annual appointments thereafter shall be made at the first meeting of the municipal council after being duly organized, and any vacancy arising from any cause shall be filled at the first meeting thereafter of the municipal council; but, if for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter.

14.

14. Two or more councils may, by concurrent by-laws, unite their respective municipalities into a Health District; and any of such councils may withdraw its municipality from the District by a by-law passed prior to the first day of December of any year, and to take effect on the third Monday of January following.

Union of municipalities in one Health District.

15. The members of the District Boards of Health shall consist of three members from each municipality included in the District, namely: the head of the council, the municipal clerk, and one other ratepayer not a member of the council, to be appointed by the council.

Constitution of District Boards of Health.

16. Every District Board thus constituted and its members shall, in respect of the Health District for which it acts, possess the same powers, be subject to the same regulations, and perform like duties as a Local Board of Health of a municipality and its members.

Powers of District Boards.

17. Every Local or District Board shall elect a chairman, and the Clerk of the Municipal Council shall be the secretary of the Local Board, and the District Board may elect one of its members, or appoint some other person as its secretary.

Officers of Local or District Boards.

18. It shall be the duty of the secretary to report to the secretary of the Provincial Board of Health the names of the members of the Local Board within one month after its first regular meeting, which shall be held on the second Monday after the members, who are not members *ex officio*, have been appointed.

Secretary to report to secretary of Provincial Board the names of members.

19. When any municipal council neglects or refuses to elect members or a member of the Local or District Board of Health as required by this Act, the Provincial Board of Health may appoint a duly qualified ratepayer or ratepayers to be a member or members of such Local or District Board of Health to act with the *ex-officio* or other members.

Provincial Board may appoint to Local Board in case Council neglects to do so.

20. Every Municipal Council may appoint a Medical Health Officer and a Sanitary Inspector or Inspectors for the municipality, and may fix the salaries to be paid them, or two or more councils may unite in the appointment of any of these officers.

Appointment of Medical Health Officer and Sanitary Inspector.

PART III.—POWERS AND DUTIES OF LOCAL BOARDS.

21. The Municipal Council or Councils may vote such sums as are deemed necessary by the Local or District Board for the carrying on of its work.

Appropriation for work.

22. The members of the Local and District Boards shall be Health officers.

Health

Health Officers within the meaning of *The Revised Statute respecting the Public Health*, and shall have the powers and duties assigned to Health Officers by the said Act, and the other powers and duties assigned by this Act.

Quorum.

23. A majority of the number of any regularly constituted Board shall be a quorum for the transaction of business.

Duties of Secretary.

24. A minute book shall be provided in which the Secretary shall record the proceedings of the Local Board of Health. The Secretary shall draft an annual report of the sanitary work done during the year, and of the sanitary condition of the municipality, for the consideration of the Board ; which report, when adopted, shall be transmitted to the Secretary of the Provincial Board of Health. The said report shall include the annual report of the Medical Health Officer.

Mode in which Local Board may enforce its authority.

25. Whenever any Local Board of Health has any authority to direct that any matter or thing should be done by any person or corporation, such Local Board of Health may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress ; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes.

Appeal to County Judge in certain cases.

26. Wherever the order of any Local Board of Health or Health Officer involves an expenditure of more than \$100, the party against whom the order is made, or anyone chargeable with such expenditure, or any part thereof, may within four days from his being served with a copy of such order in writing, appeal therefrom to the County Judge, who shall have full authority to vary or rescind the order made, and any order so varied may be enforced by the board or officer in the same manner as an order originally made by the board or officer.

Recovery of costs and expenses of execution of provisions relating to nuisances.

27. Any costs or expenses recoverable from an owner of premises under this Act, or under any provision of law in respect of the abatement of nuisances, may be recovered from the occupier for the time being of such premises ; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of said premises, as if the same had actually been paid to such owner as part of said rent : Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name

Proviso.

name and address of the person to whom rent is payable ; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier : Provided, also, that nothing herein contained shall affect any contract between any owner or occupier of any house, building or other property whereby it is, or may be, agreed that the occupier shall pay or discharge all rates and dues and sums of money payable in respect of such house, building or other property, or affect any contract, whatever between landlord and tenant.

Nuisances, etc.

28 It shall be the duty of every Local Board of Health to cause to be made, from time to time, inspection of its district, in order to prevent the accumulation within the district of any dirt, filth or other thing which may endanger the public health, and with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, or of *The Revised Statute respecting the Public Health*, and to enforce the provisions of this Act and the said Revised Statute in order to abate every such nuisance.

Duty of Local Board to inspect districts for detection of nuisances.

29. A medical health officer of a municipality may exercise any of the powers conferred upon health officers by sections 3 4 and 5 of *The Revised Statute respecting the Public Health*, and may, without being specially authorized by the Board, exercise any powers which under section 6 can be conferred upon two medical practitioners, and the Board may act on his report.

Powers of Medical Health Officer.

30. Information of any nuisance or unsanitary condition under this Act within the jurisdiction of any Local Board may be given to such Local Board by any person aggrieved thereby, or by any two inhabitant householders, or by any officer of such Local Board, or by any constable or officer of the police force within the jurisdiction of the Board.

Information of nuisances to Local Board.

31. Whenever such information has been so given, it shall be the duty of the Local Board of Health to investigate the cause of the said complaint ; and to hear the testimony of all persons who may be produced before it to testify in respect of any such matter ; and every Local Board or any two of its members shall have the same authority as a Justice of the Peace to require and compel the attendance of witnesses and the giving of evidence.

Investigation to be made by Local Board.

32. Whenever the Local Board of Health is satisfied of the existence of the nuisance, it shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier

Local Board to serve notice requiring abatement of nuisances.

cupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works, and do such things, as may be necessary for that purpose, provided :

First,—That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner ;

Second,—That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises and it is therefore improper that such owner or occupier should be required to abate the said nuisance, the Local Board of Health may report the facts to the municipal council or councils, and such council or councils may abate the nuisance at the expense of the municipality or district.

Power to proceed where cause of nuisance arises without district.

33. Where a nuisance in any municipality or district appears to be wholly or partially caused by some act or default committed or taking place outside of the said municipality or district, the Board of Health of such municipality or district may take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part, any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences, as if such act or default were committed or took place wholly within its jurisdiction, so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the municipality or district where the act or default is alleged to be committed or take place.

Recovery of costs and expenses incurred in abating nuisances.

34. All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, and such costs and expenses shall be recovered by the municipal council or Local Board of Health or person incurring the same, under ordinary process of law ; and the court shall have power to divide costs, expenses and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

Restriction or establishment of offensive trades.

35. In case any person after the passing of this Act, establishes, without the consent of the municipal council of the locality, any offensive trade ; that is to say, the trade of:—

Blood boiling, or
 Bone boiling, or
 Refining of coal oil, or
 Extracting oil from fish, or
 Storing of hides, or
 Soap boiling, or

Tallow

Tallow melting, or
 Tripe boiling, or
 Slaughtering of animals, or
 The manufacturing of gas, or

any other noxious or offensive trade, business or manufacture, or such as may become offensive, he shall be liable to a penalty not exceeding \$250 in respect of the establishment thereof; and any person carrying on a business so established shall be liable to a penalty not exceeding \$10 for every day on which, after notice in writing by the Local Board, or an officer thereof, to desist, the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

36. (1) If on an investigation by any Local Board of Health any nuisance or thing prejudicial to health is found to exist in a municipality in which it has jurisdiction; and if, after the Board has required the removal or abatement of the same within a specified time, the Board finds that default in such removal or abatement has been made and the case seems to the Board one involving considerations of difficulty owing to the fact that such removal or abatement involves the expenditure or loss of a considerable sum of money, or that any trade or industry is seriously interfered with, or owing to other circumstances, the Local Board of Health may apply to the Provincial Board of Health to investigate and report upon the same, and it shall be the duty of the said Provincial Board, with the approval of the Minister of the Department, to make a full investigation and report.

Provision where abatement of nuisance involves considerations of difficulty.

(2) If the said report recommends the removal or abatement of such nuisance or thing, the Local Board or any ratepayer of the municipality, or within a mile thereof, may apply to the High Court of Justice, for an order for the removal, or abatement of the nuisance or unsanitary condition, and to restrain the proprietors of any such industry from carrying on the same until the said nuisance shall have been abated to the satisfaction of the Provincial Board of Health; and the said judge may, if he thinks proper, issue such order upon the report of the Provincial Board of Health.

37. (1) Wherever information is obtained by the Provincial Board that any remediable unsanitary condition or nuisance exists in any municipality, and that the local health authorities have after proper representation of the facts, neglected or refused to take such efficient measures as might remove such condition or abate such nuisance, it shall be competent for the Provincial Board of Health to institute an investigation, and, if necessary, take sworn evidence concerning the condition or nuisance complained of.

Proceedings on complaint to Provincial Board of default of local authority.

(2) If, upon such investigation it is proved that such remediable unsanitary condition or nuisance exists, it shall be within the province of the Provincial Board to direct its

its immediate removal or abatement by the individual or person responsible therefor, and to report the same to the Minister for the time in charge of the Department; and if such individual or person neglects or refuses to remove or abate the same, the Provincial Board of Health may cause such removal or abatement to be made, and collect the expenses therefor from such individual or person by ordinary process of law.

Contemplated Systems of Public Water Supply, Sewerage, Drainage, etc.

Plans relating to proposed public water supply or system of sewerage to be submitted to Provincial Board.

38. (1) Whenever the establishment of a public water supply or system of sewerage shall be contemplated by the council of any city, town or village, it shall be the duty of the said council to place itself in communication with the Provincial Board of Health, and to submit to the said Board, before their adoption, all plans in connection with said system.

(2) It shall be the duty of the Provincial Board of Health to report whether, in its opinion, the said system is calculated to meet the sanitary requirements of the inhabitants of the said municipality; whether any of its provisions are likely to prove prejudicial to the health of any of the said inhabitants, together with any suggestions which it may deem advisable; and to cause copies of said report to be transmitted to the Minister of the Department to which the said Provincial Board of Health is attached, and to the Clerk of the Municipal Council, and the Secretary of the Local Board of Health of the District interested.

(3) No sewer, or appliance for the ventilation of the same, shall be constructed in violation of any of the principles laid down by the Provincial Board of Health, subject to appeal to the Lieutenant-Governor in Council.

Unsound Meat, etc.

Power of Medical Health Officer or Sanitary Inspector to inspect meat, etc.

39. (1) Any Medical Health Officer or Sanitary Inspector may, at all reasonable times, inspect or examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, or milk exposed for sale, or deposited in any place for the purpose of sale, or for preparation for sale, and intended for the food of man; the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk appears to such Medical Officer or Inspector to be diseased, or unsound, or unwholesome or unfit for the food of man, he may seize and carry away the same, or cause it to be seized and carried away, in order that he may cause it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man.

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding \$100 for every animal, carcase, or fish, or piece of meat, flesh or fish, or any poultry or game, or for the parcel of fruit, vegetables, grain, bread or flour, or for the milk so condemned; or, at the discretion of the convicting justices or magistrate without the infliction of a fine, to imprisonment for a term of not more than three months.

40. Any person who in any manner prevents any Health Officer or Sanitary Inspector from entering any premises and inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk exposed or deposited for the purpose of sale and intended for the food of man; or who obstructs or impedes any such Medical Officer, or Inspector, or his assistant when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding \$25.

Penalty for hindering officer from inspecting meat, etc.

Infectious Diseases and Hospitals.—Provisions against Infection.

41. Where any Local Board of Health is of opinion, on the certificate of its Medical Health Officer or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease it shall be the duty of such Local Board of Health to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect, to the satisfaction of the Medical Health Officer, such house or part thereof and articles, within a time specified in such notice.

Local Board to notify owner of premises requiring to be cleansed and disinfected.

42. If the person to whom notice is given fails to comply therewith, he shall be liable to a penalty of not less than twenty-five cents and not exceeding \$2 for every day during which he continues to make default; and the Local Board of Health shall cause such house, or part thereof, and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner.

Penalty, if notice not complied with.

43. Where the owner or occupier of any house or part thereof is, from poverty or otherwise, unable, in the opinion of the Local Board of Health, efficiently to carry out the requirements of the two preceding sections, such Local Board of Health may, without enforcing such requirements on the owner or occupier, cleanse or disinfect such house, or part thereof, and articles, and defray the expense thereof.

Special provision in case of poverty of owner.

Power of Local Board to provide hospitals.

44. In case the small-pox, or any other disease dangerous to the public health, breaks out in any municipality, the health officers or Local Board of Health, in case the municipality shall not have already provided the same, shall immediately provide such a temporary hospital, hospital-tent or other place or places of reception for the sick and infected, as they shall judge best for their accommodation and the safety of the inhabitants, at the cost of the municipality, and for that purpose may

(1) Themselves erect such hospital-tents, hospitals, or places of reception ; or

(2) Contract for the use of any such hospital or part of a hospital or place of reception ; or

(3) Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on ; or

(4) Two or more Local Boards of Health may combine in providing a common hospital.

Provision of conveyance for persons suffering from disease or accident.

45. Any Local Board of Health may provide, maintain, or hire a carriage or carriages, suitable for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

Notice to be given by householder in case of small-pox, etc.

46. Whenever any householder knows that any person within his family or household has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, he shall within twenty-four hours give notice thereof to the Local Board of Health, or to the Medical Health Officer of the district in which he resides, and such notice shall be given either at the office of the Medical Health Officer, or by a communication addressed to him and duly mailed within the time above specified, and in case there is no Medical Health Officer then to the Secretary of the Local Board of Health either at his office or by communication as aforesaid.

Householder not to permit removal of person or of clothing.

47. No householder in whose dwelling there occurs any of the above mentioned diseases, shall permit any person suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the Board or of the Medical Health Officer or attending physician and the said Board, or Medical Health Officer, or attending physician shall prescribe the conditions of such removal.

Removal of sick persons and others in same household.

48. No person sick with any of the diseases above specified shall be removed at any time except by permission and under direction of the Board of Health, or Medical Health Officer, or attending physician, nor shall any occupant of any house in which

which there exists any of the above diseases, except typhoid fever, change his or her residence to any other place without the consent of the Board or of the Medical Health Officer, or attending physician, who shall in either case prescribe conditions, as aforesaid.

49. Whenever any physician knows that any person whom he is called upon to visit is infected with small-pox, scarlet fever, diphtheria, typhoid fever, or cholera, such physician shall within twenty-four hours give notice thereof to the Local Board of Health, or Medical Health Officer of the municipality in which such diseased person is, and in such manner as is directed, by rules 2 and 3 of section 17 of Schedule A.

Report to be made by Physician.

50. When the small-pox, scarlet fever, diphtheria, cholera, or any other contagious disease, dangerous to the public health, is found to exist in any municipality, the health officers or Local Board of Health shall use all possible care to prevent the spreading of the infection or contagion, and shall give public notice of infected places by such means as, in their judgment, is most effective for the common safety.

Precautions to be taken against spread of infection.

51. Except the attending physician or clergyman, no person affected with small-pox, scarlet fever, diphtheria or cholera, and no person having access to any person affected with any of the said diseases shall mingle with the general public until such sanitary precautions as may be prescribed by the Local Board or attending physician shall have been complied with.

Sick person or persons having access to sick not to mingle with general public.

52. (1) Where there is reason to suspect that any person who has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, is in or upon any railway car, steamboat, stage, or other conveyance, the Medical Health Officer, or Sanitary Inspector of the municipality, or, if there is no such officer, any member of the Local Board of Health, may enter such conveyance and cause any such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on or in, or re-enter and remain on or in, the said conveyance (with any assistants he may require) for the purpose of disinfecting the same, and his authority as a health officer shall continue in respect of such person and conveyance, notwithstanding the conveyance is taken into any other municipality.

Power to enter on steamboats, etc.

(2) Any member or officer of the Provincial Board of Health, or any medical practitioner authorized by such Board, shall have the like authority.

53. In case any person coming from abroad, or residing in any municipality within the province, is infected, or lately before has been infected with, or exposed to any of the said diseases, the health officers or Local Board of Health

Isolation of persons infected or who have been exposed to infection.

Health

Health of the municipality, where such person may be, may make effective provision in the manner which to them shall seem best for the public safety, by removing such person to a separate house, or by otherwise isolating him, if it can be done without danger to his health, and by providing nurses and other assistance and necessities for him at his own cost and charge, or the cost of his parents or other person or persons liable for his support, if able to pay the same, otherwise at the cost and charge of the municipality.

Persons recovering from sickness, and nurses to take precautions against spread of disease.

54. Persons recovering from any of the said diseases, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises till they have received from the attending physician, or Medical Health Officer, a certificate that in his opinion they have taken such precautions, as to their persons, clothing, and all other things which they propose bringing from the premises, as are necessary to insure the immunity from infection of other persons with whom they may come in contact, nor shall any such person expose him or herself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions.

Measures necessary for disinfection to be adopted.

55. All persons named in the last preceding clause shall be required to adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as have been, or may hereafter be, advised by the Provincial Board of Health or by the Medical Health Officer, or such as may have been recommended by the attending physician as equally efficacious.

Notice to be given to person in charge of conveyance in certain cases.

56. No person suffering from, or having very recently recovered from, smallpox, diphtheria, scarlet fever, cholera, measles, or other disease dangerous to public health shall expose himself, nor shall any person expose anyone under his charge who is so suffering, or who has recently recovered from any such disease, in any conveyance without having previously notified the owner or person in charge of such conveyance of the fact of his having, or having recently had, such disease.

Conveyance to be disinfected.

57. The owner or person in charge of any such conveyance must not, after the entry of any so infected person into his conveyance, allow any other person to enter it without having sufficiently disinfected it under the direction of the Board of Health or the supervision of the Medical Health Officer, or Sanitary Inspector.

Precautions to be taken respecting clothing, etc.

58. No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey any of the above diseases, without having first taken such precautions as the

the board may direct as necessary for removing all danger of communicating any such disease to others.

59. Any Local Board of Health may provide a proper place or portable furnace, with all necessary apparatus and attendance for the disinfection of bedding, clothing or other articles which have become infected, and may cause all such articles to be disinfected free of charge, or may make reasonable charges for the disinfecting of the same as may be provided by by-law.

Provision of means of disinfection.

60. Any Local Board of Health may direct the destruction of any bedding, clothing or other articles, which have been exposed to infection, and may give compensation for the same.

Destruction of infected bedding, etc.

61. No person shall let or hire any house or room in a house in which any of the diseases mentioned in section 46 have recently existed, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the health authorities; and for the purposes of this section the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire part of a house, to any person admitted as a guest into such inn or house.

Houses or rooms occupied by sick persons to be disinfected before being let.

62. No person letting for hire or shewing for the purpose of letting for hire any house or part of a house, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there previously having been therein any person suffering from any infectious disorder, or any animal or thing infected thereby, shall knowingly make a false answer to such questions.

Persons letting houses not to make false statements as to infectious diseases.

63. The provisions of sections 5 to 14, inclusive, of *The Revised Statute respecting Vaccination and Inoculation*, are hereby extended to towns, incorporated villages, and townships; and section 3 of the said Act is hereby repealed.

R.S.O. c. 191, ss. 5-14, to apply to towns etc. Sec. 3 repealed.

Assistance by Constables, etc.

64. Any member of a legally constituted Board of Health, or any Medical Health Officer or Sanitary Inspector may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and it shall be the duty of every such constable so called upon to render such assistance.

Officer if obstructed may summon assistance.

Penal Clauses.

65. (1) Every person violating sections 56, 57, 58, 61, or 62 of this Act shall be liable for every such offence to a penalty of not less than \$5 nor more than \$50 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same.

Penalties.

(2)

(2) Any person who violates any other provision of this Act shall, unless it is otherwise specially provided, be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same.

Recovery of penalties.

66. (1) Every such penalty and every other penalty specified in this Act may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the Municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices; or the hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the Common Gaol or to any Lock-up or House of Correction in the said municipality for any time not exceeding fourteen days unless the amount imposed is sooner paid.

(2) In case any person, from poverty or other sufficient cause, is unable to comply with the provisions of this Act or any of them, he shall give notice of such inability to the medical health officer or Secretary of the Local Board of Health, and in case the Local Board on examination is satisfied of the sufficiency of the cause of such inability, the Secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for the period of six months.

Application of penalties.

67. Every penalty recovered under this Act shall be paid to the treasurer of the municipality in which the offence was committed, for the use of the Local Board of Health and subject to its disposition.

Proceedings not to be quashed for want of form or removed into Superior Courts.

68. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or other writ or process whatsoever into any of the Superior Courts, and no appeal shall be had to the General Sessions upon any conviction under this Act.

Application of enactments in Schedule A.

69. (1) The enactments contained in Schedule A, appended to this Act, shall after the first day of July next be in force in every Municipality in this Province for which there is a Medical Health Officer and a Sanitary Inspector, as a by-law of such Municipality, as if enacted by the Council thereof, except in so far as they shall in the meantime or thereafter, be altered, amended, or repealed by the Council, (Schedule B.); and the Council of every local municipality shall have authority to pass by-laws from time to time in respect of the various matters dealt with by the said enactments. (2)

(2) In any Municipality which has no Medical Health Officer and Sanitary Inspector, or has only one of these officers, the said enactments shall except as aforesaid, be in force unless so far as they relate to the officer which such Municipality does not possess.

(3) Where two or more Municipalities join in the appointment of a Health Officer or Sanitary Inspector, such officer or inspector shall be deemed to be the Health Officer or inspector of each of the said Municipalities.

(4) Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a Municipality in respect of a matter over which the Council of the Municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a second conviction shall not be made for the same act or omission.

SCHEDULE A.

Section 69.

BY-LAW IN FORCE IN EVERY MUNICIPALITY TILL ALTERED BY THE MUNICIPAL COUNCIL.

1. It shall be the duty of the Medical Health Officer to assist and advise the Board and its officers, in matters relating to public health, and to superintend, under the direction of the Board, the enforcement and observance, within this municipality, of Health By-laws or Regulations, and of Public Health Acts, and of any other Sanitary Laws, and, if thought advisable by the Board of School Trustees, to act as Medical Inspector of Schools, as well as advisory officer in matters pertaining to school hygiene, and to perform such other duties and lawful acts for the preservation of the public health, as may, in his opinion, be necessary, or as may be required by the Board of Health. He shall also present to this Board, before the fifteenth day of November in each year, a full report upon the sanitary condition of the district. Duty of Medical Health Officer.

2. The Sanitary Inspector, besides performing the duties hereafter indicated by this By-law as belonging specially to him, shall assist the Medical Health Officer, and perform such other duties as may from time to time be assigned to him by the Board of Health or its Chairman. Duty of Sanitary Inspector.

3. The Chairman of the Board of Health shall, before the first day of December in each year, present to the Municipal Council or Municipal Councils, comprised within this district, a report containing a detailed statement of the work of the Board during the year, and the report of the sanitary condition of the Municipality, as rendered to the Board by the Medical Health Officer. A copy of each such report shall be transmitted by the Secretary to the Secretary of the Provincial Board of Health. Chairman of Board of Health to report to Council.

4. No person shall within this municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any lot belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth. Deposits endangering public health forbidden.

5. It shall be the duty of the Sanitary Inspector, to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises, upon which any such Duty of Sanitary Inspector as to lands, etc,

such accumulation as aforesaid may be found, and at once to notify the parties who own or occupy such lots or premises, or who either personally or through their employees, have deposited such manure, refuse, matter, dirt, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon; such parties shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the Inspector may prosecute the parties so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the Board of Health, all premises occupied by persons residing within its jurisdiction, and shall report to the Board each and every case of violation of any of the provisions of this By-law, or of any other regulations for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

Examination of buildings or premises by Sanitary Inspectors.

6. Whenever it shall appear to the Board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous to the public health, or whenever they or he shall have received a notice signed by one or more inhabitant householders of this municipality, stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cesspool, ashpit, or cellar, kept or constructed so as to be dangerous or injurious to the public health, or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter, or thing, is kept so as to be dangerous or injurious as aforesaid, it shall be the duty of the Sanitary Inspector to enter such buildings or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing as aforesaid. If the occupant, or proprietor, or his lawful agent or representative, having charge or control of such premises, after having had twenty-four hours notice from any such officer of the Board of Health to remove or abate such matter or thing as aforesaid, shall neglect or refuse to remove or abate the same, he shall be subject to the penalties imposed under section 18 of this by-law.

Notice to put premises in proper sanitary condition or to quit same.

7. If the Board is satisfied upon due examination, that a cellar, room, tenement, or building within its jurisdiction, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a contagious or infectious disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous to the health of the occupants, or of the public, they may issue a notice in writing to such occupants, or any of them, requiring the said premises to be put in proper sanitary condition, or if they see fit, requiring the occupants to quit the premises within such time as the Board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties imposed by section 18 of this by-law, and the Board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Distance of slaughter-house, etc.

8. No proprietor or tenant of any shop, house or outhouse, shall, nor shall any butcher or other person, use any such house, shop or outhouse at any time as a slaughter-house or for the purpose of slaughtering any animals therein, unless such shop, house or outhouse be distant not less than two hundred yards from any dwelling-house and distant not less than seventy yards from any public street.

Inspection of slaughter-house.

9. All slaughter-houses within this municipality shall be subject to regular inspection under the direction of the Board of Health; and no person shall keep any slaughter-house unless the permission in writing of the Board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the said houses shall

shall be so kept as not to impair the health of persons residing in their vicinity, and upon such condition being broken the said permission may be revoked by the Board ; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

10. All milch cows and cow byres and all dairies or other places in which milk is sold or kept for general use, and all cheese factories and creameries shall be subject to regular inspection under the direction of the said Board ; and the proprietors shall be required to obtain permission in writing from the Board, to keep such dairy or other place in which milk is sold or kept as aforesaid, or to keep a cheese factory or creamery, and the same shall not be kept by anyone without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places as aforesaid are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other generally recognised cause, and upon such condition being broken the said permission may be revoked by the Board.

Inspection of cow byres, cheese factories and creameries.

11. No person shall offer for sale as food within this municipality any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or any other cause shall be unfit for use.

Sale of diseased food.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water ; and in case the occupant or occupants of any such house is or are not satisfied with the wholesomeness or sufficiency of such supply, he or they may apply to the Board of Health to determine as to the same ; and if the supply be sufficient and wholesome, then the expenses incident to such determination shall be paid by the said occupant or occupants, and if not, then they shall be paid by the owner ; and in either case the said charges shall be recoverable in the same manner as municipal taxes.

Supply of drinking water.

13. All wells in this municipality which are in use, whether such wells are public or private, shall be cleaned out before the 1st day of July in each year, and in case the Board of Health certifies that any well should be filled up, such well shall be forthwith filled up by the owner of the premises.

Wells to be cleaned out etc.

14. The following code of rules and regulations for the disposal of sewage and refuse shall constitute a part of this by-law, and any person or persons violating or neglecting any of the said rules and regulations shall be liable to the fines and penalties imposed by section 18 of this by-law.

Rules respecting disposal of sewage and refuse.

RULE 1.—No privy-vault, cesspool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the details of such establishment shall have been submitted to and obtained the approval in writing of the Medical Health Officer, who shall, from time to time, determine with the approbation of the Board, the method of disposal of excreta, sewage and other refuse, to be adopted within the district.

Details of establishment of privy vaults, etc., to be approved by Medical Health Officer.

RULE 2.—Earth privies or earth closets without a vault below the surface of the ground do not come within Rule 1, but sufficient dry earth, wood-ashes or coal-ashes to absorb all the fluid parts of the deposit must be thrown upon the contents of such earth privies and closets daily, the contents when removed from the closet must be placed in a shed or box with rain-proof cover, and removed from the premises at least once a year on or before the fifteenth day of May.

Time deposits to be removed.

RULE 3.—If the exigencies or circumstances of the municipality require that privy-vaults, cesspools or reservoirs shall be allowed in accordance with Rule 1, they shall be cleaned out at least once a year, on or before the fifteenth day of May, and from the fifteenth day of May to the first day of November in each year they shall be thoroughly disinfected by

Cleaning out and disinfecting privy vaults, etc.

by adding to the contents of the vault, cesspool or reservoir, once a month, not less than two pounds of sulphate of copper, dissolved in two pailfuls of water, or other suitable disinfectant.

Deodorization
before re-
moval.

RULE 4.—Within the limits of this municipality no night-soil or contents of any cesspool shall be removed unless previously deodorized as above, and during its transportation the material shall be covered with a layer of fresh earth, except the removal shall have been by some "Odorless Excavating Process."

Time for re-
moval of de-
cayed animal
or vegetable
matter.

RULE 5.—All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on or before the fifteenth day of May in each year.

Time for re-
moval of
garbage.

RULE 6.—Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle for swill and house offal, the contents of which shall, between the fifteenth day of May and the first day of November, be regularly removed as often as twice a week.

Hogs.

RULE 7.—Between the fifteenth day of May and the first day of November, no hog shall be kept within the limits of this municipality, except in pens seventy feet from any house, with floors kept free from standing water and regularly cleansed and disinfected.

Livery stable.

RULE 8.—The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit, between the fifteenth day of May and the first day of November, more than two waggon-loads of manure to accumulate in or near the same at any one time, except by permission of the Board of Health.

15. The following regulations regarding the construction of houses, shall be in force within this municipality :—

Soil of build-
ing sites to be
disinfected.

RULE 1.—No house shall be built in or upon any site, the soil of which has been made up of any refuse, unless such soil shall have been removed from such site, and the site disinfected, or unless the said soil shall have been covered with a layer of charcoal, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

Ventilation of
drains, etc.

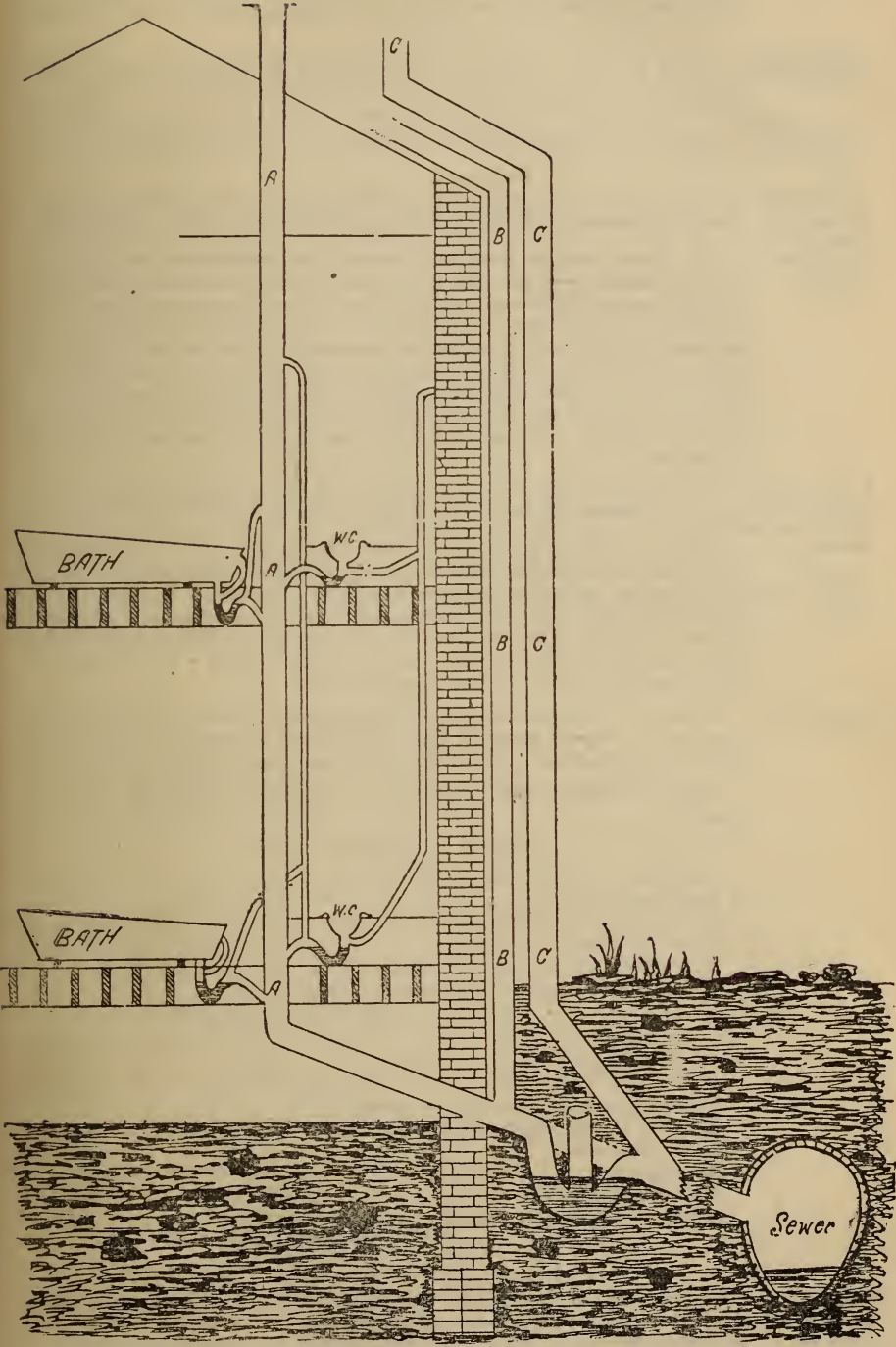
RULE 2.—The drain of every house which may be connected with a sewer or cesspool shall be ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house according to the principles shewn in the appended diagram. These pipes shall be of the same dimensions as the said main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the said ventilating pipes. In case a trap shall intervene between the sewer or cesspool, and the ventilating pipes already described, then a four-inch ventilating pipe of the same material as above described shall be carried from a point between such trap and the sewer. All such ventilating pipes shall be carried above the roof of the said house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house.

No pipe carrying air or gas from any drain or soil-pipe shall be connected with any chimney in a dwelling-house, unless the same be a furnace chimney used exclusively for the purpose of ventilating such soil-pipe or drain.

Description of
drain pipes.

RULE 3.—Every house-drain shall be constructed of vitrified earthenware or iron pipe; and every soil and waste pipe, of iron pipe rendered impervious to gas or liquids, the joints thereof being run with lead and caulked, or of lead pipe weighing at least 6 lbs. to the square foot; and the waste pipe from every closet, sink, tub, wash-basin, safe or other service shall have as near as may be to the point of junction with such service a trap

DIAGRAM.



- A—Extension upwards of soil pipe.
- B—Second ventilating tube.
- C—Ventilator for drain in case a trap is placed between the sewer and house.

trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into such house. All joints shall be so constructed as to prevent gas escaping through them.

Certain closets prohibited.

RULE 4.—The construction of any closet or other convenience which shall allow of the escape into the house of air or gas which has been confined in any part of it or from the drain or soil pipe, is hereby prohibited.

Refrigerator waste.

RULE 5.—No refrigerator waste shall be allowed to connect with any drain.

Pipes supplying water to closets to be disconnected with other pipes.

RULE 6.—No pipe supplying water directly to a water-closet or urinal, shall be connected with the pipe supplying water for drinking purposes.

16. Every person who erects, or causes to be erected, any building shall, within two weeks of the completion thereof, deposit in the Registry Office of the Registry Division in which the building is situated, plans of the drainage and plumbing of the same as executed; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner the plan and record of any such alteration; if such alteration is made by a tenant, it shall be the duty of the tenant or lessee to deposit or cause to be deposited the plan and record of such alteration.

Rules respecting infectious and contagious diseases.

17. The following rules for preventing the spread of infectious and contagious diseases shall constitute a part of this By-law:—

Duties of medical health officer.

RULE 1.—The Medical Health Officer [or Secretary of the Local Board of Health] shall provide each medical practitioner, practising within this municipality, with blank forms on which to report to the said Medical Health Officer [or Secretary] any case of diphtheria, small-pox, scarlet fever, cholera, typhoid fever, measles, whooping-cough or other disease dangerous to the public health; and, also, with other blank forms on which to report death or recovery from any such disease.

Forms, kind of.

RULE 2.—All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of an envelope, so as to keep them from perusal until opened by the Medical Health Officer [or Secretary].

RULE 3.—Said blanks shall be in accordance with the following forms:—

Report of Infectious Disease.

Christian name and surname of patient :

Age of patient :

Locality, (giving street, number of house or lot), where patient is :

Name of disease :

Name of school attended by children from that house :

Measures employed for isolation and disinfection :

(Signature of physician) :

.....

Report of Death or Recovery from Infectious Disease.

Christian name and surname of patient :

Locality, (giving street, number of house or lot), where patient is :

Name of disease :

How long sick :

Whether dead or recovered :

Means of disinfection employed, and when employed :

(Signature of physician) :

.....

Notice of disease to be posted up.

RULE 4.—The Medical Health Officer [or Secretary], within six hours after he shall have received a notice of the existence of scarlet fever, diphtheria, small-pox, cholera, or whooping-cough, in any house, shall affix or cause to be affixed by the head of the household, or by some other person, near the entrance of such house a card at least nine inches wide and twelve inches long,

long, stating that such disease exists in the said house, and stating the penalty for removal of such card without the permission of the Medical Health Officer or Board of Health.

RULE 5.—No person shall remove such card without the permission of the Board of Health or one of its officers. Not to be removed.

RULE 6.—No animal affected with an infectious or contagious disease shall be brought or kept within this municipality, except by permission of the Board of Health. Animals affected.

18. Any person who violates section 4, 6, 7, 9 or 11 of this by-law, or Rule 1 of section 15, or Rule 5 or 6 of section 17, shall be liable for every such offence to a penalty of not less than \$5 nor more than \$50 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the committing Justices or Magistrate see fit to impose the same. Any person who violates any other provision of this by-law shall be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. Every such penalty may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the Common Gaol or to any Lock-up or House of Correction in the said municipality for any time not exceeding fourteen days, with or without hard labour, unless the amount imposed be sooner paid. Penalties.

SCHEDULE B.

FORM OF MUNICIPAL BY-LAW AMENDING THE ABOVE BY-LAW.

By-law Number —, intituled "A By-law respecting the Public Health By-law."

Whereas it is expedient to amend or repeal some of the provisions of the by-law appended to *The Public Health Act, 1884*, so far as the same are in force in this municipality, and to suspend the operation of other provisions of the said by-law.

Be it therefore enacted by the Municipal Council of

1. Section 13 of the said by-law is hereby amended by substituting the "first day of July of every second year" for "the first day of July in each year."

2. Rule 7 of section 14 of the said by-law is amended by striking out the words "and disinfected" at the end of the said rule.

3. Rule 2 of Section 15 shall not be in force in this municipality until the First day of January 1885.

4. Rule 3 of section 14 is hereby repealed.

5. This by-law shall go into force forthwith.

CHAPTER 39.

An Act for the Protection of Persons employed in
Factories.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS special provision should be made for the safety, health and well-being of operatives employed in and about factories and like places within Ontario ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Ontario Factories' Act, 1884.*"

Interpreta-
tion.

2. Unless otherwise declared or indicated by the context, wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say :—

"Factory."

(1) The word "Factory" shall mean :

- (a) Any building, structure or premises of the description mentioned in the schedule to this Act, together with such other building, structure or premises as the Lieutenant-Governor in Council from time to time adds to the said schedule ; and the Lieutenant-Governor in Council may, from time to time, by proclamation published in the *Ontario Gazette*, add to or remove from the said schedule such description of premises as he deems necessary or proper.
- (b) Any premises, building, structure, room or place wherein, or within the precincts of which, steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there.
- (c) Any premises, building, structure, room or place, wherein the employer of the persons working there has the right of access and control, and in which, or within the precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them, that is to say : the making of any article or part of any article ; the altering, repairing, ornamenting or finishing of any article ; or, the adapting for sale of any article.

Provided,

Provided, that where not more than twenty persons are employed in any place coming within the foregoing definition of a factory, and that where children, young girls or women are employed at home, that is to say in a private house, place or room, used as a dwelling, wherein neither steam, water nor other mechanical power is used in aid of the manufacturing process carried on there, and wherein the only persons employed are members of the same family dwelling there, the provisions of this Act shall not apply.

A part of a factory may for the purposes of this Act be taken to be a separate factory : and a place used as a dwelling shall not be deemed to form part of the factory for the purposes of this Act.

Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, such place shall not be deemed to form part of that factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air.

(2) The word "inspector" shall mean the inspector appointed by the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act in the locality in reference to which such expression applies. "Inspector."

(3) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any factory and employs persons therein. "Employer."

(4.) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. "Week."

(5) The word "child" shall mean a person under the age of fourteen years. "Child."

(6) The expression "young girl" shall mean a girl of the age of fourteen years and under the age of eighteen years. "Young girl."

(7) The word "woman" shall mean a woman of eighteen years of age and upwards. "Woman."

(8) The word "parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl. "Parent."

(9) The expression "court of summary jurisdiction" shall mean the Justices of the Peace or Police Magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Act. "Court of summary jurisdiction."

“Mill gearing.”

(10) The expression “mill-gearing” comprehends every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley, by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.

Evidence as to and age.

3. If a person is found in a factory except at meal times or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory.

Provided, that yards, playgrounds and places open to the public view, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this section.

Where a child or young girl is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young girl is not of that age.

Child, young girl or woman who does any work in factory to be deemed employed in factory.

4. A child, young girl, or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is otherwise provided by this Act, be deemed to be employed in such factory within the meaning of this Act, and for the purposes of this Act an apprentice shall be deemed to work for hire.

Child, young girl or woman not to be employed where permanent injury to health likely.

5. It shall not be lawful to employ in a factory any child, young girl or woman, so that the health of such child, young girl or woman is likely to be permanently injured, and whoever so employs any child, young girl or woman, shall upon summary conviction thereof, incur and be liable to imprisonment in the common gaol of the county wherein the offence has been committed, for a period not exceeding six months, or to a fine of not more than one hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid.

When employment of child, young girl or woman shall be deemed not lawful.

6. To employ in a factory any child or any young girl or woman shall be deemed to be not lawful, and so that the health of such child, young girl or woman is likely to be permanently injured, if in that factory there is any contravention of the following provisions of this section, that is to say:—

(1) No boy under twelve years of age, and no girl under fourteen years of age, shall be employed in any factory.

(2) Except as hereinafter provided, a child between the ages of twelve and fourteen years shall not be employed in any factory, unless the employer of such child has in his possession, and produces when thereto requested by the inspector, either a certificate signed by the parent of such child, in which certificate the person signing it shall state the date thereof, the age of such child at said date, and the birth-place of such child, or, in case there is not in Ontario any one having the legal custody or control of such child, the written opinion of a registered physician that such child is of not less than twelve years of age.

(3) It shall not be lawful for a child, young girl or woman to be employed for more than ten hours in one day, nor more than for sixty hours in any one week, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday.

(4) In every factory the employer shall allow each child and each young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, young girls and women.

(5) If the inspector so directs in writing, the employer shall not allow any child, young girl or woman to take meals in any room wherein any manufacturing process is then being carried on. And if the Inspector so directs in writing the employer shall, at his own expense, provide a suitable room or place in the factory or in connection therewith, for the purposes of a dining and eating room for persons employed in the factory.

7. A child shall not be allowed to clean any part* of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power ;

Cleaning machinery while in motion.

A young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing, while the same is in motion for the purpose of propelling any part of the manufacturing machinery ;

A child or young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other machinery power ;

A child, young girl, or woman, allowed by an employer to clean or to work in contravention of this section, shall be deemed to be employed by him contrary to the provisions of this Act, and to have contravened said provisions.

8. The Lieutenant-Governor in Council may make regulations under which it shall be lawful for the Inspector :—

When Inspector may grant exemption

(1)

from foregoing provisions.

(1) When any accident which prevents the working of any factory, happens to the motive power of any machinery, or when—

(2) From any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked ; or when—

(3) The customs or exigencies of certain trades require that the children, young girls or women working in a factory, or in certain processes in a factory, should be employed for a longer period than as provided herein above :—

On due proof to his satisfaction of such accident, occurrence, custom of, or exigency of trade, to give permission for such exemption from the observance of the foregoing provisions of the Act as will, in his judgment, fairly and equitably to the proprietors of, and to the women, young girls and children in such factory, make up for any loss of labour from such accident or occurrence, or meet the requirements of such custom or exigency of trade :

Provided always, in the case of the Inspector permitting such exemption, that no woman, young girl or child shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening ; and that the hours of labour for women, young girls and children shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week, and that such exemption shall not comprise more than six weeks in any one year, nor shall the time fixed by this Act for meals be diminished.

Particulars to be recorded by employer in case of exemption.

9. When under the exemptions allowed herein any child, young girl or woman is employed in any factory on any day for a longer period than is allowed herein, the duration of such employment shall be daily recorded by the employer in a register, which shall be in such form as shall be required by any regulations made in that behalf by the Lieutenant-Governor in Council.

Notice of hours of employment to be affixed in factory.

10. Notice of the hours between which children, young girls or women are to be employed, shall be made in such form as shall be required by the regulations made in that behalf by the Lieutenant-Governor in Council, and shall be signed by the Inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place or places in the factory as the Inspector requires.

Sanitary condition of factory.

11. (1) Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance.

(2) A factory shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein.

(3)

(3) Every factory shall be ventilated in such a manner as to render harmless, so far as is reasonably practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

(4) In every factory there shall be kept provided a sufficient number and description of privies, earth or water-closets, and urinals for the employees of such factory; such closets and urinals shall at all times be kept clean and well ventilated, and separate sets thereof shall be provided for the use of male and female employees, and shall have respectively separate approaches.

A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the health of any person employed therein is likely to be permanently injured, and the employer shall because thereof be deemed to be guilty of a contravention of the provisions of this Act.

12. (1) In every factory where, contrary to the provisions of this Act, there is any omission, act, neglect or default in relation to any overcrowding, ventilation, drain, privy, earth-closet, water-closet, ash-pit, water supply, nuisance or other matter whereby the health of persons employed in the factory may be affected, the employer shall within a reasonable time take such action thereon as the Inspector, acting under the regulations made in respect to such subjects, notifies the employer to be proper and necessary; and

Employer to remedy omission, etc., on notice.

(2) In every factory where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent, if such inhalation can be by mechanical means, approved of by the regulations made in that behalf, be prevented or partially prevented, the Inspector may direct that such means shall be provided within a reasonable time by the employer, who in such cases shall be bound so to provide them.

A factory in which the provisions of this section are not complied with by the employer shall be deemed to be kept unlawfully and so that the health of any person therein employed is likely to be permanently injured, and such employer shall because thereof be deemed to be guilty of a contravention of the provisions of this Act.

13. The Inspector may, for the purposes of the two next preceding sections, take with him into any factory a physician, health officer, or other officer of the local sanitary authority.

Inspector may take physician etc., into factory.

14. It shall not be lawful to keep a factory so that the safety of any person employed therein is endangered, or so that the health of any person employed therein is likely to be permanently injured, and whoever so keeps a factory shall, upon conviction thereof, incur and be liable to imprisonment

Penalty for keeping factory so that safety of persons employed is endangered.

prisonment within the common gaol of the county within which the offence was committed, for a period of not more than twelve months, or to a fine of not more than five hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid.

Fencing, etc.,
of machinery.

15. In every factory :

(1) All belting, shafting, gearing, fly-wheels, drums and other moving parts of the machinery ; all vats, pans, cauldrons, reservoirs, wheel-races, flumes, water channels, doors, openings in the floors or walls, bridges and all other like dangerous structures or places shall be, as far as practicable, securely guarded.

(2) No machinery other than steam engines shall be cleaned while in motion if the inspector so directs by written notice.

(3) The openings of every hoistway, hatchway, elevator or well-hole shall be at each floor provided with and protected by good and sufficient trap doors or self-closing hatches and safety catches, or by such other safe guards as the Inspector directs, and such trap-doors shall be kept closed at all times except when in actual use by persons authorised by the employer to use the same.

(4.) All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the Inspector, whereby the cab or car will be securely held in the event of accident to the shipper, rope or hoisting machinery, or from any similar cause.

A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the safety of any person employed therein is endangered.

Prevention of
fire.

16. In every factory :—

(1) There shall be such means of extinguishing fire as the Inspector, acting under the regulations made in that behalf, directs in writing.

(2) The main inside and outside doors shall open outwardly, and any door leading to or being the principal or main entrance to the factory or to any tower stairways, or fire-escapes therein or belonging thereto, shall not be bolted, barred, or locked at any time during the ordinary and usual working hours in the factory, and

(3) Every factory three or more storeys in height, in which persons are employed above the second storey, unless supplied with a sufficient number of tower stairways with iron doors, shall be provided with a sufficient number of fire-escapes ; such fire-escapes shall consist of an iron stairway with a suitable railing,

railing, and shall be connected with the interior of the building by iron doors or windows, with iron shutters, and shall have suitable landings at every storey above the first, including the attic if the attic is occupied as a workroom, and such fire-escapes shall be kept in good repair and free from obstruction or encumbrance of any kind; Provided, always, that any of the requirements of this sub-section may be dispensed with in any factory if the inspector so directs.

A factory or workshop in which there is a contravention of this section, shall be deemed to be kept unlawfully and so that the safety of any person employed therein is endangered.

17. The parent of any child or young girl employed in a factory in contravention of this Act shall, unless such employment is without the consent, connivance or wilful default of such parent be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than fifty dollars and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding three months.

Parent of child or young girl employed contrary to Act liable to penalty.

18. If any fire occurs in a factory and causes death to any person employed therein, or serious bodily injury whereby any person employed therein is prevented from working for more than six days next after the occurrence of such fire, the employer shall forthwith after the expiration of said six days send a notice in writing of such fire to the Inspector, in which notice the place of residence of the person injured, or the place to which he has been removed, shall be stated, and if any such notice is not so sent the employer shall be liable to a fine not exceeding thirty dollars.

Notice where person employed is injured by fire.

19. Where there occurs in a factory any accident, which either causes loss of life to a person employed in the factory, or causes bodily injury to a person so employed, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam or metal, and is of such a nature as to prevent the person so bodily injured from returning to his work in the factory within six days after the occurrence of the accident, written notice of the accident shall forthwith be sent to the Inspector stating the residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent, the employer shall be liable to a fine not exceeding thirty dollars.

Notice where person employed is injured by machinery, etc.

20. Where in a factory the owner or hirer of a machine or implement

Who to be deemed

employer of children, etc., in certain cases.

implement moved by steam, water, or other mechanical power, in or about or in connection with which machine or implement, children, young girls, or women are employed, is some person other than the employer as defined by this Act, and such children, young girls, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act, which may be committed in relation to such children, young girls, or women, be deemed to be the employer.

Certain provisions not to apply to private house.

21. The provisions of this Act which relate

(1) To the cleanliness or to the freedom from effluvia, or to the overcrowding or ventilation of a factory ; or

(2) To children, young girls and women being during any part of the times allowed for meals in a factory employed in the factory or being allowed to remain in any room ; or

(3) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed ; or

(4) To the sending notice of accidents ;

shall not apply where persons are employed at home, that is to say, to a private house, room, or place, which though used as a dwelling, might by reason of the work carried on there be a factory within the meaning of this Act, and in which neither steam, water nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there ; or to a factory which is conducted on the system of not employing children or young girls therein, and the occupier of which has served on the inspector notice of his intention to conduct his factory upon that system.

Where an employer has served on an inspector notice of his intention to conduct his factory on the system of not employing children or young girls therein, the factory shall be deemed for all the purposes of this Act to be conducted on the said system until the employer changes it, and no change shall be made until the employer has served on the inspector notice of his intention to change the system, and until the change a child or young girl employed in the factory shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by the inspector.

Penalty in case of false entry, etc.

22. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to be left or served, or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration shall, upon conviction thereof, incur

incur and be liable to imprisonment in the common gaol of the county wherein the offence was committed for a period not exceeding six months or to a fine of not more than one hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid.

23. Nothing in this Act shall extend to any person being a mechanic, artisan or labourer, working only in repairing either the machinery in or any part of a factory.

Act not to apply to persons working only at repairs.

24. The Lieutenant-Governor in Council may from time to time, for the purpose of carrying out this Act,

Regulations may be made by Lieut.-Gov. in Council.

(1) Make such rules, regulations and orders for enforcing its provisions, and for the conduct and duties of the Inspector, as may be deemed necessary.

(2) Appoint the Inspector, who shall be paid such salary or compensation as from time to time may be appropriated for the purpose by the Legislative Assembly.

25. The Inspector shall for the purposes of the execution of this Act, and for enforcing the regulations made under the authority thereof, have power to do all or any of the following things : namely,

Powers of Inspector.

(1) To enter, inspect and examine at all reasonable times by day or night any factory and any part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory.

(2) To require the production of any register, certificate, notice or document required by this Act, to be kept, and to inspect examine and copy the same.

(3) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty.

(4) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the factory and the persons employed therein ;

(5) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be, or to have been, within the two preceding months, employed in a factory, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined ;

(6) For the purposes of any investigation, inquiry or examination made by him under the authority of this Act to administer

administer an oath to and to summon any person to give evidence.

(7) To exercise such other powers as may be necessary for carrying this Act into effect.

The employer and his agents and servants, shall furnish the means required by the inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory.

Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young girl, or woman from appearing before or being examined by the inspector, or attempts so to conceal or prevent a child, young girl or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: Provided, always, that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Where the inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding thirty dollars; and where an inspector is so obstructed in a factory, the employer shall be liable to a fine not exceeding thirty, or where the offence is committed at night, one hundred dollars.

Inspector
before enter-
ing dwelling
without con-
sent of occu-
pier to obtain
special
authority.

26. The Inspector, before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling, as well as for a factory shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority to do so from the Lieutenant-Governor in Council, or such warrant as is herein-after mentioned, from a justice of the peace or police magistrate.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence, in all respects the same as an information on oath before a justice.

A justice of the peace or police magistrate, if satisfied, by information on oath, that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may, in his discretion, grant a warrant under his hand, authorizing the inspector named therein, at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act, with respect to obstruction of the inspector, shall apply accordingly.

27. Every Inspector under this Act shall be furnished with a formal certificate of his appointment, under the hand and seal of the Commissioner of Public Works for Ontario, and on applying for admission to a factory shall, if required, produce to the employer the said certificate.

Inspector to be furnished with certificate and to produce same if demanded.

28. (1) Every person shall, within one month after he begins to occupy a factory, serve on the Inspector a written notice containing the name of the factory, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding thirty dollars.

Notice to be sent to Inspector by person occupying factory.

(2) In every factory the employer shall keep in the form and with the particulars prescribed by any regulation made by the Lieutenant-Governor in Council in that behalf, a register of the women, young girls, and children employed in that factory, and of their employment, and of other matters under this Act; and shall send to the Inspector such extracts from any register kept in pursuance of this Act as the Inspector from time to time requires for the execution of his duties under this Act, and in default thereof such employer shall be liable to a fine not exceeding thirty dollars.

29. There shall be affixed at the entrance of a factory and in such other parts thereof as the Inspector directs, and be constantly kept so affixed in the form directed by the Inspector and in such position as to be easily read by the persons employed in the factory—

Notices to be affixed in factory.

(1) Such notices of the provisions of this Act, and of any regulations made thereunder as the Inspector deems necessary to enable the persons employed in the factory to become acquainted with their rights, liabilities and duties under this Act.

(2) A notice of the name and address of the Inspector; and

(3) A notice of the clock (if any) by which the period of employment and times for meals in the factory are regulated; and

(4) Every other notice and document (if any) required by this Act to be affixed in the factory.

In the event of a contravention of any provision or requirement of this section in a factory the employer shall be liable to a fine not exceeding twenty dollars.

30. (1) Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print.

Notices, etc., and mode of service.

(2)

(2) Any notice, order, requisition, summons, and document required, or authorized to be served or sent, for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, within the meaning of this Act, by delivering the same, or a true copy thereof, to his agent or to some person in the factory of which he is employer; it may also be served or sent by post by a pre-paid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed, if addressed to him at the factory in respect of which he is employer, with the addition of the proper postal address, but without naming the person who is the employer.

Penalty for contravention of Act where no express penalty provided.

31. If any of the provisions of this Act, or of any regulations, rules or orders made under the authority thereof by the Lieutenant-Governor in Council or by any Inspector are contravened, and no other penalty is herein provided for such contravention the employer guilty of such contravention shall on summary conviction thereof incur and pay a fine of not more than fifty dollars with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding three months.

Power of court in addition to inflicting fine.

32. If a factory is not kept in conformity with this Act, the court of summary jurisdiction, in addition to, or instead of inflicting a fine, penalty or other punishment upon the employer, may order certain means to be adopted by the employer, within the time named in the order, for the purpose of bringing his factory into conformity with this Act; the court may, also, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the employer shall be liable to a fine not exceeding ten dollars for every day that such non-compliance continues.

Power of employer to exempt himself from fine on conviction of the actual offender.

33. Where the employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court or tribunal at the time appointed for hearing the charge; and if after the commission of the offence has been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without the knowledge, consent or connivance of him the employer, the said other person

son

son shall be summarily convicted of such offence and the employer shall be exempt from any fine, penalty or punishment.

34. Where it is made to appear to the satisfaction of the Inspector at the time of discovering the offence that the employer had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent or connivance of the employer and in contravention of his orders, then the Inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer.

Inspector to proceed against actual offender.

35. Where an offence for which an employer is liable under this Act to a fine has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person shall be liable to the same fine, penalty or punishment for such offence as if he were the employer.

Fine on person committing offence for which employer is liable.

36. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, penalty or punishment than the highest fine, penalty or punishments fixed by this Act for the offence, except—

Restraint on cumulative fines.

(1) Where the repetition of the offence occurs after an information has been laid for the previous offence; or,

(2) Where the offence is one of employing two or more children, young girls or women, contrary to the provisions of this Act.

37. All fines or penalties in money imposed or recovered under or in pursuance of this Act, shall be paid by the convicting justices or police magistrate, as the case may be, to the Inspector, who shall forthwith pay the same over to the Treasurer of the Province to and for the use of the Province.

Application of fines and penalties.

38. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act :

Limitation of time and general provisions as to summary proceedings.

(1) The information shall be laid within two months, or, where the offence is punishable at discretion, by imprisonment, within three months after the commission of the offence.

(2) The description of an offence in the words of this Act, or in similar words, shall be sufficient in law.

(3) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

(4)

(4) It shall be sufficient to allege that a factory is a factory within the meaning of this Act, without more.

(5) It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the factory is usually known.

(6) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into a Superior Court except for the purpose of the hearing and determination of a special case.

Prosecutions
and procedure.

39. All prosecutions under this Act may be brought and heard before any two of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this Act the procedure shall be governed by "*The Act respecting summary convictions before Justices of the Peace.*"

Report of
Inspector to be
laid before
Legislative
Assembly.

40. Such annual or other report of the Inspector, as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly.

Commence-
ment of Act.

41. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation: Provided always, that at any time after the passing of this Act any appointment, rule, regulation or order may be made, any notice issued, form prescribed, and act done which appears to the Lieutenant-Governor in Council necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act or any part thereof into operation on the said day.

SCHEDULE.

Augur Factories.
Biscuit Factories.
Boot and Shoe Factories.
Brush Factories.
Button Factories.
Book-binding Factories.
Blanket Factories.
Billiard Table Factories.
Bolt and Nut Factories.
Barb Wire Factories.
Breweries.
Boiler Factories.
Bell Factories.

Bird Cage Factories.
Blacking Factories.
Brass Foundries.
Confectionery Factories.
Clothing Factories.
Cotton Factories.
Cigar Factories.
Cigar Box Factories.
Car Shops.
Cap Factories.
Carriage Goods (iron) Factories.
Chemical Works.
Cheese Box Factories.

Child's Carriage Factories.
 Corset Factories.
 Clay Pipe Factories.
 Canning Factories.
 Clock Factories.
 Carriage Factories.
 Carriage Wood-work Factories.
 Coffin Factories.
 Cork Factories.
 Carpet Factories.
 Distilleries.
 Dye Works.
 Envelope Factories.
 Emery Wheel Factories.
 Edge Tool Factories.
 Electrotpe Foundries.
 Foundries.
 Furniture Factories.
 File Works.
 Furriers' Workshops.
 Flax Mills.
 Glove Factories.
 Glass Works.
 Horn Comb Factories.
 Hobby Horse Factories.
 Hames Factories.
 Hammer Factories.
 Hat Factories.
 Iron bridge Works.
 Knitting Factories.
 Knitting Needle Factories.
 Kaoka Factories.
 Knitting Machine Factories.
 Sock Factories.
 Laundries.
 Lithographer's Workshops.
 Last Factories.
 Locomotive Works.
 Lamp Goods Factories.
 Mattress Factories.
 Marble Works.
 Match Factories.
 Machine Screw Works.
 Mill Furnishing Works.
 Machine Shops.
 Nail Works.
 Organ Factories.
 Paper Box Factories.

Paper and Pulp Mills.
 Patent Medicine Factories.
 Paint Works.
 Picture Frame Works.
 Piano Factories.
 Paper Collar Factories.
 Paper Bag Factories.
 Plated Metal Works.
 Planing Mills.
 Potteries.
 Reaper Knife Factories.
 Rivet Works.
 Rubber Factories.
 Rope Works.
 Rolling Mills.
 Stay Factories.
 Sugar Refineries.
 Show Case Factories.
 Stave Factories.
 Salt Drying Works.
 Silk Factories.
 Shovel Factories.
 Spool Factories.
 Soap Works.
 Skate Works.
 Scale Works.
 Straw Works.
 Saw Factories.
 Shirt Factories.
 Safe Works.
 Sewing Machine Works.
 Saw Mills.
 Sash and Door Factories.
 Tobacco Factories.
 Type Foundries.
 Tanneries.
 Tub and Pail Works.
 Tin Stamping Works.
 Trunk Factories.
 Varnish Works.
 Vinegar Works.
 Woollen Factories.
 Wire Goods Factories.
 Wood Screw Factories.
 Whip Factories.
 Wall paper Factories.
 Window Shade Factories.

CHAPTER 40.

An Act to amend the Act to impose a Tax on Dogs,
and for the Protection of Sheep.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

R. S. O., c. 194,
s. 8, amended.

1. Section 8 of the *Act to impose a Tax on Dogs, and for the Protection of Sheep*, chapter 194 of the Revised Statutes, is hereby amended by adding thereto the following subsection:—

Township may
pass by-law to
apply proceeds
of taxes in
payment for
sheep.

(2) Immediately upon the passing of any such county by-law the Council shall cause its clerk to transmit a copy of the same to the clerk of every municipality within its jurisdiction, and the county by-law shall have effect within every such municipality, unless the Council thereof by by-law declares this Act to be in force therein, whereupon the said county by-law shall not apply to or have any effect within such municipality.

CHAPTER 41.

An Act to prevent the Spread of Contagious Diseases among Horses and other Domestic Animals.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Interpreta-
tion.

1. In this Act—

“Disease.”

“Disease,” means glanders or farcy;

“Diseased.”

“Diseased,” means affected with disease;

“Justice.”

“Justice,” means justice of the peace;

“Court of
Summary
Jurisdiction.”

“Court of Summary Jurisdiction,” means two or more justices sitting at a court or other public place appointed in that behalf, or a police, stipendiary, or other magistrate or officer however designated, having by law power to act for any purpose with the authority of two justices, and sitting at a police court or other place appointed in that behalf;

“Veterina-
rian.”

“Veterinarian,” means a veterinary surgeon, duly registered by the Ontario Veterinary Association;

“Place.”

“Place,” means and includes any public highway, street, road, lane, alley, way, or other communication, as well as any public place or square.

Notice to
Justice by
person to
whom it ap-
pears that any
animal is
diseased.

2. (1) Where it appears to any person that any horse or other animal is diseased, such person may notify any justice having jurisdiction in the municipality; and the justice, if in his opinion there is reasonable cause therefor, shall forthwith by writing under his hand, direct a competent veterinarian to inspect the animal alleged to be diseased.

(2) The veterinarian, on receiving such direction, shall with ^{Inspection} all practicable speed make an inspection, and report his opinion ^{and report.} in writing to the justice.

3. Where it appears to a veterinarian that any horse or other ^{Notice by} animal is diseased, he shall forthwith notify the owner or ^{veterinarian.} other person in charge of the animal, and shall also give notice to a justice having jurisdiction as aforesaid.

4. All notices under this Act shall be in writing or print, ^{Direction as} or partly in writing and partly in print, and any notice given ^{to notices.} to a justice shall contain the name and residence of the owner of the animal or other person in charge thereof where the same are known.

5. (1) After the owner or other person in charge has received ^{Owner after} notice from a veterinarian that any animal is diseased it shall be ^{notice to keep} unlawful to turn out, drive or lead, or to cause such animal to be ^{animal from} turned out, driven or led through any place where it may be ^{contact with} brought into contact with or be in danger of transmitting dis- ^{other animals.} ease to other animals, until it has been determined by the Court of Summary Jurisdiction, as hereafter provided, that the animal to which the notice relates is free from disease.

(2) The justice, upon receiving the report of a veterina-
rian that an animal is diseased may at once issue his order to
a constable, directing him to seize and detain such animal, and
cause the same to be kept in some place where it will not be
brought in contact with, or be in danger of transmitting the
disease to other animals, until the case has been determined
by the court.

6. The justice, on receiving from any veterinarian a notice or ^{Summons.} report stating that any animal is or appears to be diseased, shall forthwith issue a summons, directed to the owner or other person in charge of the animal, requiring him to appear before a court of summary jurisdiction, at a time and place to be specified in such summons, to shew cause why the said animal should not be destroyed.

7. The proceedings on such notice and summons shall be ^{Procedure.} regulated by the *Act respecting summary convictions before Justices of the Peace*, which shall apply to cases under this Act.

8. (1) In case it appears to the court of summary jurisdiction, ^{Court may} by the evidence of one or more competent veterinarians, that the ^{make order} animal in respect of which the summons was issued is diseased, ^{for destruc-} the Court shall make an order for the killing and burying or ^{tion, etc., of} burning of such animal (describing the same according to the ^{animal.} tenor of the description given in the notice or report, and in the evidence) within twenty-four hours, and in default thereof may impose a fine not exceeding \$100, and a further sum of \$50 for
every

Penalty for default.

every twelve hours thereafter until the same is killed and buried or burned; and all penalties imposed under this section shall be applied to the use of the municipality.

(2) The Court may in any case require further evidence as to the disease, and may for that purpose appoint one or more veterinarians to report to them, and they may thereafter, with or without any further hearing, make such order as may seem just.

Duty of owner as to diseased animal respecting which no notice given.

9. (1) Every person, having in his possession or under his charge any animal which is or appears to be diseased, but respecting which no notice has been given as aforesaid, shall, as far as practicable, keep such animal separate from other animals not so diseased, and shall with all practicable speed give notice to a veterinarian of the existence or supposed existence of the disease.

(2) Any veterinarian shall, on receipt of such notice, with all practicable speed, inspect the said animal, and if the disease appears to exist shall forthwith notify the person in possession or charge of the animal, and a justice, as directed in other cases.

Duty of owner of animal which has been exposed to contagion.

10. No owner, or other person in charge thereof, shall turn out, lead or drive any horse or other animal, knowing such animal to have been kept in the same stable with any diseased animal, or otherwise exposed to contagion or infection, in, upon, or through any place without a license from a veterinarian first had and obtained, or without other order from the Court in that behalf.

Fees to veterinarian.

11. The Court may make an order on the treasurer of the municipality, in favour of any veterinarian acting hereunder, for the payment of such witness fees or other remuneration as may be deemed just, and the treasurer shall pay the sum mentioned in such order to such veterinarian out of any funds he may then have in the municipal treasury; Provided that the said witness fees or other remuneration shall not exceed four dollars for each day on which the said veterinarian may be engaged in making any inspection or report, or in attendance at the Court for the purpose of giving evidence under this Act, together with necessary travelling expenses.

Proviso.

Arrest of persons, impeding execution of Act.

12. If any person obstructs or impedes a veterinarian, constable or other officer acting in execution of this Act, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the veterinarian, constable or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can conveniently be taken before a justice to be dealt with according to law.

Where offences shall

13. For the purposes of proceedings under this Act every offence

offence against this Act shall be deemed to have been committed, and every cause of complaint under this Act shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be.

be deemed to
have been
committed.

14. Any person violating any of the provisions herein contained, respecting which no express penalty is provided herein, shall be guilty of an offence under this Act, and shall, on conviction, forfeit and pay a sum not exceeding \$100 for each offence.

Penalty.

CHAPTER 42.

An Act to further amend the Line Fences Act.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where, within the meaning of section 3 of "*The Line Fences Act*," there is any dispute between owners or occupants of lands situate in different municipalities, the following words or expressions in said Act shall have the meaning hereinafter expressed, namely:—

Interpreta-
tion.

(1) The phrase "fence viewers" shall mean two fence viewers of the municipality in which is situate the land of the owner or occupant notified under sub-section 1 of section 3 of said Act, and one fence viewer of the municipality in which is situate the land of the party or person giving the notice; except that in case of a disagreement having occurred within the meaning of sub-section 4 of said section, the said phrase "fence viewers" shall mean fence viewers from either or both municipalities.

"Fence
Viewers."

(2) The expression "in which the lands are situate" and the expression "in which the land lies," shall respectively mean "in which are situate the lands of the owner or occupant so notified under said sub-section one."

"In which the
lands are
situate."
"In which the
land lies."

CHAPTER 43.

An Act to amend the Act respecting Ditches and Watercourses.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

46 V. c. 27,
s. 3, amended. 1. Section 3 of *The Ditches and Watercourses Act, 1883*, is hereby amended by adding the following sub-section thereto:—

Proper outlet
must be
reached.

(2) Every such ditch, or drain, shall be continued to a proper outlet, so that no lands, unless with the consent of the owner thereof, will be overflowed, or flooded, through, or by the construction of any such ditch or drain, and it shall be lawful to construct such ditch, or drain, through one or any number of lots until the proper outlet is reached.

Sec. 15,
repealed.

2. Section 15 of the said Act is hereby repealed and the following substituted therefor:—

Payment of
amount due
to engineer
and other per-
sons.

15. The council shall at their meeting next after the filing of the certificate or certificates mentioned in the preceding section, pay to the engineer his additional fees therein mentioned, and forthwith thereafter may pay to any person the amount which, according to any such certificate, he is entitled to receive for any work mentioned in said next preceding section, and thereafter the said council shall, unless the amount or amounts named in the said certificate or certificates including such additional fees, is forthwith paid by the respective parties declared in said certificate or certificates to be liable to pay the same, cause the amount or amounts and fees to be added to the collector's roll, together with ten per cent. added thereto, and the same shall thereupon become a charge against the lands of the party or parties so liable, and shall be collected in the same manner as any other municipal taxes, and when collected shall be paid over to any person entitled thereto.

CHAPTER 44.

An Act to amend the Act respecting Public, Separate and High Schools.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 25 of the Act passed in the forty-second year of the reign of Her Majesty, chaptered 34, and intituled, *"An Act respecting Public, Separate and High Schools,"* is hereby repealed, and instead thereof there is substituted the section following:—

25. Any person, who, if resident in a municipality, would be entitled to be a supporter of any separate school existing either therein or in any adjoining municipality, may, in giving notice under section 3 of *"The Assessment Act,"* that he is the owner of unoccupied land situate in either of said municipalities, require that all such land as is situate either in the municipality wherein such separate school is situate or within the distance of three miles in a direct line of the site of said separate school, shall be assessed for the purposes of said separate school, and the proper assessor shall thereupon enter such person in the assessment roll as a separate school supporter, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and such land shall be assessed accordingly for the purposes of said separate school and not for public school purposes.

Non-residents may require school tax to be appropriated to a separate school.

2. The following sub-section is hereby added to section 26 of said Act :

Sec. 26 amended.

(4) Any board of separate school trustees, and the council of any municipality (three-fifths of whose members are not separate school supporters), may enter into an agreement for a term of years, that for each year of the said term, and at such times and in such sums as may be agreed upon, there shall in lieu of and as being the amount to be levied and collected in such year for separate school purposes, be paid by said municipality to said board a fixed proportion of the total amount levied and collected within the municipality in and for such year for both public and separate school purposes; Provided always, that if in and for any such year the rate in the dollar of assessment actually levied for separate school purposes within said municipality is not the same as that actually levied therein for public school purposes, then said agreement shall not be in force for or apply to such last mentioned year; provided also that any agreement made as aforesaid may be determined at the end of any calendar year on giving six months' notice by either of the parties thereto to the other party.

Agreements between municipality and separate school trustees as to payment in lieu of separate school rate.

Proviso.

Proviso.

CHAPTER 45.

An Act to amend the Act respecting the University of Toronto.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 210,
s. 11, amended.

1. Section 11 of the *Act respecting the University of Toronto*, chapter 210 of the Revised Statutes, is hereby amended by striking out the words "a representative" in the seventh line thereof, and substituting therefor the words "two representatives."

Sec. 26
amended.

2. Section 26 of the said Act is hereby amended by inserting after the word "head master," in the the third line thereof, the words "and of each legally qualified assistant teacher," and after the words "high school masters," in the sixth line, the words "and to each legally qualified assistant teacher."

Sec. 38
amended.

3. Section 38 of the said Act is hereby amended by adding thereto the following words: "Provided always that it shall be competent for the Senate to confer the degree of Doctor of Laws, *honoris causa*, under such regulations as may be by statute in that behalf provided."

Sec. 65
amended.

4. The following sub-section is hereby added to section 65 of the said Act:

Meetings of
convocation.

(2) Convocation may meet at such times and places as may from time to time be ordered by the Executive Committee thereof, and notice of such meeting shall be given in such manner as said Executive Committee shall from time to time determine.

Sec. 67
amended.

5. Section 67 of the said Act is amended by striking out all the words thereof from the beginning of the section down to and inclusive of the words "meetings and" in the fourth line of the said section.

Sec. 72
amended.

6. Section 72 of the said Act is hereby amended by striking out the words "members present" in the second line and substituting the words "votes of members present or represented thereat in such manner as may be provided by any resolution or by-law of Convocation."

CHAPTER 46.

An Act to amend and consolidate the Acts respecting Industrial Schools.

[Assented to 25th March, 1884.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as "*The Industrial Schools Act*."

Industrial
School, defini-
tion of.

2. A school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, shall

shall exclusively be deemed an Industrial School within the meaning of this Act.

3. In case the Public School Board of Trustees for any city or town, or the Separate School Trustees therein, establish an Industrial School, and provide the necessary building or buildings, either by purchase, lease or otherwise, and provide the other requisites for such Schools, and cause notice thereof to be given to the City Inspector of Public Schools, or in case of a Roman Catholic Industrial School then to one of the Inspectors of Separate Schools, the said Inspector shall make an examination of the school buildings so provided, and of their fitness for the reception of children, and shall enquire as to the other requisites provided, and shall enquire also into the means adopted for carrying on the School, and shall report the said particulars to the Minister of Education; and if the Minister is satisfied with the report of the Inspector, he may, in writing under his hand, certify that the School is a fit and proper one for the reception of children to be sent there, and the School shall thereupon be deemed a certified Industrial School for the purposes of this Act.

In cities, examination by Inspector, report thereon.

Certificate by Minister of Education.

4. The notice of the grant of the certificate shall forthwith be given by the Board to the Police Magistrate, and the Judge of the County Court, and shall likewise be inserted by the Board in the *Ontario Gazette*; and a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the Minister of Education for the time being, or his Deputy.

Notice of the certificate and evidence thereof.

5. (1) Any Board of School Trustees may delegate the powers, rights and privileges conferred upon such Board by this Act, respecting the establishment, control and management of an Industrial School to any philanthropic society or societies incorporated under "*The Ontario Benevolent Societies Act*," or under any other Act in force in this Province, and the said society or societies to which such powers are delegated shall have and may exercise all the powers so delegated, and this Act shall thereafter apply to the said philanthropic society or societies as fully as to the said Boards; provided, nevertheless, that the Chairman and Secretary of the Board of Public School Trustees in the city or town in which the Industrial School is situated, or under whose control it is placed, and the Public School Inspector of the city or town, shall be members of the Board of Management of said society when acting under powers delegated by the Board of Public School Trustees, and the Chairman and Secretary of the Separate School Board shall be members of the Board of Management, when such society is acting under powers delegated by the Separate School Board.

Delegation of powers conferred on School Trustees by R. S. O. c. 213.

(2) The by-laws of any such society shall be subject to the approval of the Lieutenant-Governor in Council.

Appointment of teachers and general superintendent.

6. The respective School Boards shall provide the teachers necessary for the Industrial School, and the General Superintendent of the School shall, when practicable, be selected from the teachers so appointed.

Certain children under fourteen may be brought before Police Magistrate or Justices.

7. Any person may at a special sitting bring before the Police Magistrate, or before the Judge of the County Court, and, except in cities where there is a Police Magistrate, any one or two Justices of the Peace, any child apparently under the age of fourteen years, who comes within any of the following descriptions, namely:—

(1) Who is found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms;

(2) Who is found wandering, and not having any home or settled place of abode or proper guardianship, or not having any lawful occupation or business, or visible means of subsistence;

(3) Who is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;

(4) Whose parent, step-parent or guardian represents to the Judge or Magistrate that he is unable to control the child, and that he desires the child to be sent to an Industrial School under this Act;

(5) Who, by reason of the neglect, drunkenness or other vices of the parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life.

(6) Who has been found guilty of petty crime, and who, in the opinion of the Judge or Magistrate before whom he has been convicted, should be sent to an Industrial School instead of to a gaol or reformatory.

Magistrate to enquire into truth of facts charged.

8. No formal information shall be requisite to authorize proceedings being taken under the preceding section, but the Judge or Magistrate, before issuing his order, shall have such child brought before him, and shall, in its presence, take evidence in writing under oath of the facts charged, and shall make reasonable enquiry into the truth thereof.

Magistrate may order child to school; requisites of the order.

9. If the Judge or Magistrate is satisfied on enquiry that it is expedient to deal with the child under this Act, he may order him to be sent to a certified Industrial School; which order shall be in writing, and shall specify the name of the School, and the time for which the child is to be detained in the School, being such time as to the Judge or Magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years.

10. The said School Corporations or Philanthropic Societies may admit into the Industrial Schools established by them, all children apparently under the age of fourteen years, who are committed to the said School by the Judge or Magistrate; and the said corporations or societies, respectively, shall have power to place the said children at such employments, and cause them to be instructed in such branches of useful knowledge as are suitable to their years and capacities.

Admission to the schools.

Powers as to instruction and employment.

11. In case an Industrial School is established by the Roman Catholic Separate School Trustees in any city, the Judge or Magistrate shall endeavour to ascertain the religious persuasion to which every child to be sent by him to an Industrial School belongs, and shall, as far as practicable, send Roman Catholic children to the Roman Catholic Industrial School and other children to the other Industrial School; and if a parent or guardian, or in case there is no parent or guardian, then if the nearest adult relative of a child in a Roman Catholic Separate School claims that the child should be sent to the Industrial School under the said Board of Trustees, or claims that a child in an Industrial School established by the latter should be sent to the Roman Catholic Separate School, the Minister of Education, on being satisfied of the justness of such claim, shall order a transfer of the child accordingly, provided that the managers of the School to which the transfer is to be made are willing to receive the child.

Roman Catholic children.

12. A minister of the religious persuasion to which a child appears to belong may visit the child at the School on such days and at such times as may be from time to time fixed by regulations of the Education Department in that behalf, for the purpose of instruction in religion.

Visits by clergymen.

13. The School Corporation, or Philanthropic Society, may permit a child sent to their Industrial School under this Act to live at the dwelling of any trustworthy and respectable person; provided, that a report is made forthwith to the Minister of Education, in such manner as he thinks fit to require, of every instance in which this discretion is exercised.

Children may reside with respectable persons.

14. Any permission for that purpose may be revoked at any time by the School Corporation or Philanthropic Society; and thereupon the child to whom the permission relates shall be required to return to the school.

Revocation of permission to reside out of school.

15. The time during which the child is absent from the school under permission shall, except where the permission is withdrawn on account of the child's misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the permission, he shall be taken back to the school.

Time of absence how calculated.

Return to school.

What shall be deemed escape from school.

16. A child escaping from the person with whom he is placed, or refusing to return to the school on the revocation of the permission or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

Discharge from school.

17. The Minister of Education may at any time order any child to be discharged from a certified Industrial School, either absolutely or on such conditions as he thinks fit, and the child shall be discharged accordingly.

Applications for discharge of children committed under sec. 7.

18. In case an application is made to any Court or Judge for the discharge from the said Industrial School of any child committed thereto under the provisions of the seventh section of this Act, notwithstanding any irregularity in or insufficiency of the order or other proceedings, no order shall be made for such discharge in case the court or Judge shall deem it for the benefit of such child that it should remain in the said Industrial School, and it shall appear by the depositions taken before the committing Judge or Magistrate that such child was liable to be committed to such Industrial School under the provisions of this Act.

Depositions to be delivered to person executing warrant.

19. The committing Judge or Magistrate shall deliver to the constable, or other person having the execution of his order the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the said constable or other person to the superintendent or officer receiving the child into the said Industrial School; such copy shall be *primâ facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any child committed thereunder.

Evidence.

School Corporation, etc., to have powers granted by R. S. O., c. 135.

20. The School Corporation, or Philanthropic Society, may at any time during the period of detention of a child in a school, exercise all the powers conferred by sections 2 and 6 of the Revised Statute, chapter 135, intituled, "*An Act respecting Apprentices and Minors*," upon the charitable societies therein mentioned.

Rules of management, power to make.

21. The said School Corporation, or Philanthropic Society, may from time to time make rules for the management and discipline of the certified Industrial School established by the Board or Society, such rules not being inconsistent with the provisions of this Act; but the rules shall not be enforced until they have been approved by the Education Department; and rules so approved shall not be altered without the like approval; a printed copy of the rules purporting to be rules of a school so approved and signed by the Minister of Education shall be evidence of the rules of the school.

Power to order parent, etc., to maintain a child.

22. On the complaint of the School Corporation or Philanthropic Society, or of any agent of the School Corporation or Philanthropic

Philanthropic Society at any time during the detention of a child in a certified Industrial School, the Judge of the Division Court of the Division in which the parent, step-parent or guardian of the child resides, may, on summons to the parent, step-parent or guardian, in the form or to the effect of the Schedule to this Act, issued and served according to the ordinary practice of the court, examine into his ability to maintain the child, and the Judge may, if he thinks fit, make an order on such parent, step-parent or guardian for the payment to the School Corporation or Philanthropic Society of such weekly sum, not exceeding one dollar per week, as to the Judge seems reasonable, during the whole, or any part of the time during which the child is liable to be detained in the school, and the said order shall for all purposes be a judgment of the said Division Court.

23. The Judge making such order, or any other Judge holding the said Division Court, may from time to time vary any such order as circumstances require, on the application either of the person on whom the order is made, or of the School Corporation or Philanthropic Society or its agent, on fourteen days notice of the application being first given to the other party.

Varying the order for maintenance.

24. The officers of the Court shall be entitled to charge fees upon proceedings had under the two next preceding sections, according to the lowest Division Court scale, and in every case all costs shall be in the discretion of the Judge.

Costs of order for maintenance.

25. In case a child sent by a Judge or Magistrate to an Industrial School has not resided in the city or town in which said school is situated, or to which it is attached for a period of one year, but has resided for that period in some other county, city, or separated town, the School Corporation or Philanthropic Society may recover from the corporation of such county, city, or separated town the expense of maintaining the child; or if the child, although he or she had resided for a period of one year in the city in which the Industrial School is situated, or to which it is attached, had, since such residence, been resident for a period of one year in some other municipality, the School Corporation or Philanthropic Society may, in like manner, recover the expense of maintenance from the county, city, or separated town in which the child last resided for a period of one year; and when the child resided for one year last preceding its admission to said school in the city or town in which the Industrial School is situated or to which it is attached, such city or town shall pay a sum of not less than one dollar per week towards the expenses of maintaining each child in the school, whose maintenance is not fully provided for in some other way; and such city or town shall have the power to recover the amount so paid from the parents if able to pay it.

Liability of other corporations for maintenance according to residence of the child

Apprehension
on escape or
absence.

26. If a child sent to a certified Industrial School, and while liable to be detained there, escapes from the School, or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the same School there to be detained during the period equal to so much of his period of detention as remained unexpired at the time of his escape.

Minister of
Education to
apportion
grants for
schools.

27. In case any money is granted or provided by the Legislature for the support of Industrial Schools, it shall be the duty of the Minister of Education, and he is hereby empowered, to apportion the money on or before the first day of May, to the several Industrial Schools in the Province, according to the average number of pupils at such school from time to time during the preceding year as compared with the whole average number at the Industrial Schools established under this Act.

Liability to
inspection;
the laws that
govern.

28. Industrial Schools established under this Act shall be under the same inspection, and subject to the same laws in all respects as other schools, except so far as may be inconsistent with this Act.

Surrender of
child to pa-
rents or other
persons.

29. Whenever it is satisfactorily proved that the parents of any child committed under the provisions of this Act have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment, or whenever, said parents being dead, any person offers to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the Board of School Trustees or Philanthropic Society may discharge said child to the parents or to the party making provision for the care of the child as aforesaid.

Interpreta-
tion.

30. "Philanthropic Society," in this Act, shall mean such philanthropic society incorporated as herein mentioned and approved by the Lieutenant-Governor in Council for the purposes of this Act.

SCHEDULE.

(Section 22.)

[L.S.]

SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

In the
of

Division Court of the County

BETWEEN the Public School Board of the City of

Plaintiffs,

and

C. D.

Defendant.
You,

You, the above-named defendant, are hereby summoned to appear at the next sitting of this Court, to be holden at _____ in the County of _____ on _____ the

_____ day of _____ A.D. 188____, at the hour of _____ ten o'clock in the forenoon, to answer the allegation of the plaintiff, that you, the said _____ are liable for the expense of maintaining one E. D., a boy detained in the Industrial School, under the charge of the above named plaintiffs, in the City of _____

And, further, you are hereby required to take notice that the plaintiffs claim that you are able to pay the sum of \$ _____ per week towards the said expenses, and that if you do not appear at the said time and place, such order will be made in your absence as may seem just.

Dated this _____ day of _____ A.D. 188____.
By the Court,
X_____Y_____
Clerk.

CHAPTER 47.

An Act to empower the Municipality of the Village of Brockton to make Special Assessments, and for other purposes.

[Assented to 25th March, 1884.]

WHEREAS the corporation of the Village of Brockton have, Preamble.
by petition set forth that they have incurred debts for works or improvements (including drainage), done or constructed as local improvements under the provisions of *The Municipal Act*, without sufficient or valid by-laws having been passed authorizing such works or improvements or providing for the borrowing of the money or for making assessments for such works or improvements, and that they are desirous of being authorized to cause an assessment to be made and to pass by-laws to provide funds for the payment of the debts so incurred for said works or improvements; and it is deemed expedient to grant the prayer of the said petition; and whereas said petition further sets forth that doubts have been raised as to the validity of certain debentures issued by the said municipality for school purposes, and as to the power of the said municipality to issue valid debentures for school purposes, and it is deemed expedient to remove said doubts;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws of the said Village of Brockton, set forth in schedule A to this Act, the numbers whereof are set out in the third column of the said schedule, being by-laws for the construction By-laws and debentures confirmed.

tion of local works or improvements and for general purposes, and the respective debentures issued thereunder, as set out in the first column of the said schedule, with the coupons to the said debentures attached, are hereby declared to be valid and binding upon the said corporation notwithstanding any defect whatever in the said by-laws or debentures or in any way connected therewith.

Separation of village from school section 22, and acts of village and of school board confirmed.

2. The said municipality is hereby declared for school purposes to be separate from school section number twenty-two, and all acts, deeds and things done by the school board, or by the said Village, at the request of the said public school board, since the incorporation of the said Village, are hereby declared to be as valid and binding, notwithstanding any defect in, or non-observance of, formal steps for altering the boundaries of said section, or separating the said municipality from said section after the incorporation thereof, as if such municipality had been erected into a school section according to law, and the said school board is hereby declared to have all the rights, powers and privileges conferred on public school boards of Villages by any Act or Acts of the Legislature of Ontario.

SCHEDULE A.—(See sec. 1.)

Shewing Local Improvements and General By-laws and Debentures validated by this Act.

LOCAL IMPROVEMENT BY-LAWS AND DEBENTURES.

No.	Date of issue.	By-law.	Nature of by-law.	Amount.
				\$ c.
1	31st December, 1881.	No. 20	Construction of sidewalk on north side of Florence Street.	79 50
7	1st April, 1882.	No. 32	Construction of sidewalk and boulevard on north side of Bank Street.	127 00
6	1st April, 1882.	No. 37	Construction of sidewalk on south side of Dundas Street.	210 00
8	1st October, 1882.	No. 44	Construction of sidewalk and crossing on south side of Gordon Street.	139 00
9	1st October, 1882.	No. 45	Construction of sidewalk on south side of Florence Street.	35 00
10	1st November, 1882.	No. 46	Grading, fencing and constructing sidewalk upon Jamieson Avenue.	1000 00
11	1st November, 1882.	No. 46	do.	1000 00
12	1st November, 1882.	No. 46	do.	880 00
13	1st November, 1882.	No. 47	Culverts and grading on St. Helen's Avenue.	640 00
	Debentures not yet issued.	No. 65	Construction of sidewalk on north side of Dundas Street.	
	do.	No. 70	do.	

GENERAL BY-LAWS AND DEBENTURES.

No.	Date of issue.	By-law.	Nature of By-law.	Amount.
3	1st January, 1883.	No. 51	Erection of Separate School.	\$ c. 3000 00
4	1st January, 1883.	No. 52	For payment of award <i>re</i> school section No. 22, and for other purposes.	1000 00
5	1st January, 1883.	No. 53	Drainage of portion of Village of Brockton.	8200 00

CHAPTER 48.

An Act to authorize the Township of Colchester South to borrow certain moneys.

[Assented to 25th March, 1884.]

WHEREAS the corporation of the township of Colchester South, by their petition, have represented that they have incurred debts and liabilities for the construction of drains to the amount of thirty thousand dollars, which sum is secured by the debentures of the corporation; and they have also incurred other liabilities to the amount of ten thousand dollars; that the redemption of the said debentures and the payment of the other liabilities at the same time would be oppressive to the ratepayers, and have therefore prayed that they may be authorized to issue debentures for the purpose of providing funds to meet said last mentioned liability of ten thousand dollars; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of providing funds to meet and pay the said present liabilities of ten thousand dollars, mentioned in the preamble to this Act, it shall and may be lawful to and for the said corporation of the township of Colchester South to raise by way of loan, upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same, a sum of money not exceeding ten thousand dollars of the lawful money of Canada.

Power to borrow sum of \$10,000.

2. It shall and may be lawful for the said corporation of the township of Colchester South to pass a by-law or by-laws authorizing

Authority to pass by-law for issue of debentures.

authorizing the said loan of ten thousand dollars, and the issuing of the debentures therefor, in accordance with this Act, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Special Debenture Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal when the same shall fall due, of the said debentures last mentioned.

Assent of electors to by-law not required.

3. It shall not be necessary to obtain the assent of the electors of the said township of Colchester South to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by the Municipal Act.

Issue of debentures to the amount of \$10,000 authorized.

4. It shall and may be lawful for the municipal council of the said corporation of the township of Colchester South, after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the reeve and countersigned by the treasurer and clerk of the said township for the time being, for such sums, not exceeding in the whole the said sum of ten thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum.

Debentures, when and how payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act, with the interest accruing thereon, may be made payable either in this Province or elsewhere as the said council may by the by-law or by-laws direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for fifteen years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of proceeds of debentures.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of ten thousand dollars specially mentioned in the preamble to this Act, and not otherwise, and shall for that purpose be deposited, until required, in the agency of a chartered bank of Canada, at the town of Windsor, or elsewhere in this Province, or invested in Government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or Government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required, from time

time to time, for the payment of the said debts and liabilities so amounting, as aforesaid, to ten thousand dollars, or some part thereof, and not otherwise.

7. The treasurer of the said township, on receiving instructions from the said council so to do, from time to time, shall discharge and satisfy the said debts of ten thousand dollars with the funds raised under this Act.

Discharge of outstanding debts.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-law authorizing loan not to be repealed until debt satisfied.

9. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Inconsistent provisions in Municipal Act not to apply.

Irregularity not to render by-law or debentures invalid.

10. Nothing in this Act contained shall be held or taken to discharge the corporation of the township of Colchester South from any indebtedness or liability which may not be included in the said debt of ten thousand dollars.

Liability of corporation not discharged.

CHAPTER 49.

An Act to authorize the Town of Collingwood to issue certain Debentures.

[Assented to 25th March, 1884.]

WHEREAS the corporation of the town of Collingwood, in the county of Simcoe, have, by their petition, represented that they have a debt of sixty-five thousand three hundred dollars (exclusive of interest), incurred for permanent improvements within the said town, and secured by the debentures of the said corporation, of which the sum of fifty-six thousand four hundred dollars of principal matures due and payable in the years one thousand eight hundred and eighty-four to one thousand eight hundred and ninety-seven inclusive, with

Preamble.

with interest half-yearly at six per centum per annum; and whereas the said corporation have further represented that they have a debt payable on account of a certain bonus to the Hamilton and North-Western Railway, known as the "Group Bonus," amounting to about nine thousand five hundred dollars, exclusive of interest, for which the annual payment during the next ensuing sixteen years, for principal and interest, amounts to one thousand two hundred dollars or thereabouts; and whereas the said corporation have further represented that they have incurred a liability of seven thousand dollars for permanent improvements made within the said town during the year one thousand eight hundred and eighty-three; and whereas the said corporation have further represented that none of this said debenture debt and interest is in arrear, but that the payments to be made on account thereof, and of their said other debt and liability during the ensuing years, would be oppressive to the ratepayers, and that it is desirable that the said corporation may be authorized to issue debentures to the extent of forty-four thousand dollars in the manner and according to the yearly amounts set forth in schedule A of this Act for the purpose of raising funds to pay the said liability of seven thousand dollars, and also to pay or replace and extend the time for payment of a certain portion of their said debentures, maturing in the years aforesaid, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debentures may be issued for \$44,000 in accordance with Schedule A.

1. For the purpose of providing funds to pay the said liability of seven thousand dollars, as mentioned in the preamble of this Act, and also to meet and pay a part of the present debenture debt of the said town amounting to thirty-seven thousand dollars it shall be lawful for the said corporation from time to time to pass by-laws for raising, by way of loan, upon the credit of the said corporation in the manner and according to the yearly amounts set forth in schedule A to this Act, such sum or sums of money as may be necessary to pay the said liability of seven thousand dollars, and also to pay off or replace and extend the time for payment of the debentures of the said corporation to the said amount of thirty-seven thousand dollars, maturing in the years one thousand eight hundred and eighty-four to one thousand eight hundred and ninety-seven inclusive, by debentures hereinafter mentioned and authorized to be issued under this Act, from any person or persons, body or bodies corporate, either in this Province or elsewhere, who may be willing to lend the same: Provided that the sums so to be borrowed under this Act shall not exceed the said sum of forty-four thousand dollars, nor shall they in any year exceed the sum mentioned in the second column of said schedule A.

Proviso.

2. It shall be lawful for the said corporation from time to time

time to pass a by-law or by-laws authorizing the issuing of debentures under the corporate seal of the said corporation, signed by the mayor and countersigned by the treasurer for the time being of said town, in such sum or sums, not exceeding forty-four thousand dollars in the whole, as the said corporation may from time to time, and according to said schedule, and within the first section of this Act, direct; and the said corporation may, for the said purposes mentioned in this Act, raise money by way of loan on the said debentures, either in this Province or elsewhere, or sell or dispose of the said debentures from time to time as they may deem expedient for the purposes contemplated by this Act and not otherwise: Provided that it shall not be compulsory on the said corporation to issue the whole or any part of the said debentures in any year as set out in the said schedule, and that in case the whole or any part of the said debentures hereby authorized to be issued in any one year shall not be so issued, then the amount not issued shall lapse and shall not be issued in any subsequent year.

Power to pass by-laws from time to time for issue of said debentures.

Proviso.

3. The said debentures shall be payable at the respective times and in the manner set forth in the third and fourth columns of said schedule A, and not otherwise. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable half-yearly, on the first days of the months of June and December in each and every year, at the places mentioned therein and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding six per centum per annum.

Time and manner of payment.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation,

Application of proceeds of debentures.

(a) In payment of the said liability of seven thousand dollars; and

(b) In the payment and redemption of outstanding debentures of said corporation to the amount of thirty-seven thousand dollars, according to and in the manner and at the times and for the respective amounts set forth in said schedule A, and in no other manner and for no other purpose whatsoever.

5. The treasurer of the said corporation, on receiving instructions from the said corporation so to do, shall pay off said liability of seven thousand dollars, and also pay off any outstanding debentures to the yearly amount authorized by said schedule A, and discharge the same with the funds from time to time raised under this Act, or may substitute, with the consent of the holders thereof, for any outstanding debentures maturing yearly, according to the time and for the yearly amounts only specified in said schedule A, the debentures or any of them authorized to be issued by this Act, and upon such terms as may be agreed upon between the said corporation and the holders of the said outstanding debentures.

Treasurer to pay off a certain liability of \$7,000, also outstanding debentures.

Form of
debentures.

6. The debentures to be issued under this Act may be in the form contained in the schedule B to this Act.

Form of by-
law.

7. The by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of schedule C to this Act.

Irregularities
not to render
debentures in-
valid.

8. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Assent of
electors not
required.

9. It shall not be necessary to obtain the assent of the electors of the said town of Collingwood for the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by the Municipal Act or any Act amending the same.

Short title.

10. This Act may be cited as "*The Town of Collingwood Debenture Act, 1884.*"

SCHEDULE A.

Amount of debentures authorized to be issued under this Act, with year of issue and date of payment.

First column. Year.	TOTAL ISSUE. Second column. Amount.	REPAYABLE DECEMBER 1ST.	
		Third column. Year.	Fourth column. Amount.
1884.....	\$10000 00	1898.....	\$2000 00
		1899.....	2000 00
		1900.....	2000 00
		1901.....	2000 00
		1902.....	2000 00
1885.....	3000 00	1903.....	3000 00
1886.....	3000 00	1904.....	3000 00
1887.....	3000 00	1905.....	3000 00
1888.....	3000 00	1906.....	3000 00
1889.....	3000 00	1907.....	3000 00
1890.....	2000 00	1908.....	2000 00
1891.....	5000 00	1909.....	3000 00
		1910.....	2000 00
1892.....	2000 00	1911.....	2000 00
1893.....	2000 00	1912.....	2000 00
1894.....	2000 00	1913.....	2000 00
1895.....	2000 00	1914.....	2000 00
1896.....	2000 00	1915.....	2000 00
1897.....	2000 00	1916.....	2000 00
\$44000 00		\$44000 00	

SCHEDULE

SCHEDULE B.

Province of Ontario, Town of Collingwood.

DEBENTURE.

Under and by virtue of "The Town of Collingwood Debenture Act, 1884," the corporation of the town of Collingwood, in the county of Simcoe, promise to pay the bearer at the sum of _____ on the _____ day of _____ one thousand _____ hundred and _____, and the half-yearly coupons for interest thereon, hereto attached, as the same shall severally become due.

Dated at Collingwood, Ontario, this _____ day of _____ A.D. 18 ____.

SCHEDULE C.

By-law to authorize the issue of _____ debentures for the sum of _____, under the authority of "The Town of Collingwood Debenture Act, 1884."

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding forty-four thousand dollars in the whole, as the corporation of the town of Collingwood, in the county of Simcoe, may in pursuance of and conformity with the provisions of the said Act, direct;

And whereas, for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of _____ dollars payable on the _____ day of _____ with interest thereon at the rate of _____ per centum per annum, payable half-yearly, according to the coupons to the said debentures attached;

And whereas the amount of the whole ratable property of the said town of Collingwood, according to the last revised assessment roll of the said town, being for the year one thousand _____ hundred and _____ was _____

Therefore the corporation of said town enacts as follows:—

1. That debentures under the said Act and for the purpose therein mentioned to the extent of the sum of _____ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of _____ per centum per annum, payable half-yearly on the first days of June and December in each year.

This by-law passed in open council this _____ day of _____, in the year of our Lord one thousand _____ hundred and _____

CHAPTER 50.

An Act to declare valid a certain Survey of part of the Town of Cornwall.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the municipal council of the Town of Cornwall have, by their petition, prayed that a certain survey of part of the said town, made by order of the said council, be declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Survey made by David R. Brown, P.L.S., of part of town south of Fourth Street confirmed.

1. The survey of that part of the said Town of Cornwall lying south of Fourth Street, made and completed under and by virtue of a resolution of the council of the said Town of Cornwall, passed on the seventh day of July, in the year of our Lord one thousand eight hundred and eighty-one, by David R. Brown, Deputy Provincial Land Surveyor, and adopted by the said town council under and by virtue of a resolution passed by them on the twenty-ninth day of October, in the year of our Lord one thousand eight hundred and eighty-three, shall be taken and held to be a true and correct survey of the above described part of the said town, as originally laid out, and shall, to all intents and purposes, be deemed and considered to be legal and valid: Provided, that where any dwelling-house or shop in said part of said town had been, before the first day of January, in the year of our Lord one thousand eight hundred and eighty-three, partly built upon any street (as ascertained by the said survey), it shall not be incumbent upon the owner or occupant of such dwelling-house, shop, or building, to remove the same off such street until the rebuilding of such dwelling-house, shop, or building, or the repairing thereof to the extent of fifty per cent. of the then cash value thereof; but this proviso shall not apply to any fence, steps, platform, sign, porch, or projection attached to any such dwelling-house or shop.

Proviso.

Existing rights not affected.

2. Nothing in this Act contained shall be held or construed as affecting or taking away any estate which prior to the passing of this Act is had, held, or vested in any person whomsoever in respect of any lands, premises or property whatsoever, situate within the said Town of Cornwall, but unless such estate is already so had, held or vested at the time of the passing of this Act no future possession or occupation of any such street, or any part thereof, shall be held as conferring or creating any such estate.

CHAPTER 51.

An Act to confirm a certain By-law of the Corporation of the City of Kingston.

[Assented to 25th March, 1884.]

WHEREAS the corporation of the city of Kingston have, by Preamble.
 their petition, represented that they have, for the purpose of promoting the prosperity of their said city, and with the intention of petitioning the Legislature to pass an Act legalizing, confirming, and declaring valid the same, on the thirtieth day of April, in the year of our Lord one thousand eight hundred and eighty-three, passed a by-law intituled "A By-law to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from municipal and school taxes for a period of ten years, on certain conditions," which by-law is set out in schedule A to this Act, and have prayed that an Act may be passed legalizing, confirming, and declaring valid the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the corporation of the city of Kingston, in the preamble to this Act mentioned, intituled "A By-law to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from municipal and school taxes for a period of ten years, on certain conditions," passed on the thirtieth day of April, in the year of our Lord one thousand eight hundred and eighty-three, a copy whereof is set out in schedule A to this Act, is hereby legalized, confirmed, and declared to be valid. By-law set out in schedule A confirmed.

2. The word "the" secondly occurring in condition (a) to section three of the said by-law shall be read and construed as "their." Error in by-law amended.

3. The provisions of the said by-law as amended shall have the same force and effect as if the same were incorporated in and enacted by this Act, and the said companies are hereby authorized and empowered to enter into the agreements with the said corporation of the city of Kingston, provided for in condition (a) to section three of the said by-law, as hereby amended, and any such agreement already entered into is hereby declared valid and binding. By-law to have same force as if incorporated in this Act.

SCHEDULE A.

A By-law to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from municipal and school taxes for a period of ten years, on certain conditions.

Passed 30th April, 1883.

Whereas, in order to induce the said companies to continue their establishments in this city, and to transact their whole businesses in the Province of Ontario here, it is expedient to exempt from municipal and school taxes, for a period of ten years from the first day of July in the year one thousand eight hundred and eighty-three, the real and personal property of the said The Montreal Transportation Company and of the said the Kingston and Montreal Forwarding Company respectively ;

Be it therefore enacted by the council of the corporation of the city of Kingston, as follows :—

1. That the real and personal property in the city of Kingston required and used or held, or which shall be required and used or held, in and for their forwarding and ship-building and repairing (for their own use) businesses by the said the Montreal Transportation Company and the said the Kingston and Montreal Forwarding Company, respectively, shall be exempt from the payment of the municipal and school taxes of and in the city for a period of ten years from and after the first day of July, in the year one thousand eight hundred and eighty-three, subject to the provisions hereinafter contained.

2. That the said exemption from taxes shall cease as to any part of the said real and personal property which shall be sold, or which any of the said companies shall cease to hold or shall have let to any person or corporation, or which any of the said companies do not use or require for their said businesses respectively, and also, if any of the said companies should become insolvent or make an assignment for the benefit of its creditors, or have its property, personal or real, sold under execution, or if any of the said companies cease for six months to be a going concern, or cease or omit to transact its whole business in the Province of Ontario in this city, or fail or omit to observe any of the following conditions, the said exemption from taxes shall from thenceforth cease as to the property of such company.

3. That this by-law is passed subject to the following conditions, on the failure in the observance of either of which this by-law will not take effect, or shall cease to have effect as the case may be, according to the subject matter of the condition.

(a) That the said respective companies shall transact all the businesses to be transacted in the Province of Ontario in the city of Kingston, so far as the same are capable of being transacted in said city, during the said period of exemption, and

and shall respectively execute an agreement with the city of Kingston to this effect under a penalty of two thousand dollars as liquidated damages.

(b) That this by-law be sanctioned and legalized by an Act of the Legislature of Ontario, to be obtained by and at the expense of the said companies at the next ensuing session of the said Legislature.

4. That this by-law shall not apply to exempt from taxes any real or personal property which is not *bona fide* required, held, and used by the said respective companies in and for the operation of their said businesses.

5. This by-law shall come in force and take effect on the thirtieth day of June next, and shall continue in force until the end of the said period of ten years from the first day of July next, provided condition (a) of section three continues to be fulfilled according to the true intent and meaning of this by-law by the said companies respectively, and no longer as to any company making default therein.

(Signed)

M. FLANAGAN,
City Clerk.

(Signed)

C. LIVINGSTON, [L.S.]
Mayor.

CHAPTER 52.

An Act respecting the debt of the County of Middlesex.

[Assented to 25th March, 1884.]

WHEREAS by an Act of the late Province of Canada, ^{Preamble.} passed in the twenty-fifth year of Her Majesty's reign, chapter twenty-eight, intituled "An Act to separate the Townships of Biddulph and McGillivray from the County of Huron and to annex the same to the east riding of the County of Middlesex;" the said Townships of Biddulph and McGillivray were separated from the County of Huron and annexed to the County of Middlesex, and by section three of the same Act it was declared that the said townships should not be liable for any portion of the debt of the County of Middlesex, contracted or incurred previous to the first day of January, one thousand eight hundred and sixty-three; and, whereas, the said debt contracted and incurred at the said date has matured, and provision was made by an Act of the Province of Ontario, passed in the forty-second year of the Reign of Her Majesty, chapter seventy-four, intituled "An Act to Consolidate the debt of the County of Middlesex," to discharge the said indebtedness by the issue of new debentures; and, whereas, no provision is made in the said last mentioned Act to exempt the Townships

Townships of Biddulph and McGillivray from liability for that portion of the debt of the County of Middlesex, contracted or incurred before the said Townships were annexed; and, whereas, the corporation of the County of Middlesex hath by its petition prayed that an Act may be passed to exempt and to make it imperative on the Council of the said County of Middlesex to exempt, the Townships of Biddulph and McGillivray, the village of Lucan and so much of the village of Ailsa Craig, as formerly formed part of the Township of McGillivray, from all liability for any portion of the debt of the said County of Middlesex, contracted or incurred previous to the first day of January, one thousand eight hundred and sixty-three, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Townships of Biddulph and McGillivray, the village of Lucan and part of the village of Ailsa Craig to be exempt from debt of County of Middlesex prior to 1863.

1. The Townships of Biddulph and McGillivray, the village of Lucan, originally part of the Township of Biddulph, and that part of the village of Ailsa Craig, which formerly formed part of the Township of McGillivray, shall be absolutely exempt from any charge or liability, for the payment of any portion of the debt of the County of Middlesex, contracted or incurred previous to the first day of January, one thousand eight hundred and sixty-three, and from the payment of all Bonds and Debentures issued in discharge thereof, or to be hereafter issued in renewal or substitution therefor.

Amount to pay debt incurred prior to 1863, to be levied on other parts of County.

2. It shall be lawful and imperative for the Council of the County of Middlesex, to make and levy the amount required to pay the principal and interest of the said indebtedness, contracted or incurred previous to the first day of January, one thousand eight hundred and sixty-three, or of any Bonds or Debentures to be issued in renewal thereof or substitution therefor of and from the municipalities now constituting the County of Middlesex except the Townships of Biddulph and McGillivray, the village of Lucan, and so much of the village of Ailsa Craig as lies north of the original boundary line between the Townships of East Williams and McGillivray.

CHAPTER 53.

An Act relating to the Municipality of Neebing.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the corporation of the municipality of Neebing have petitioned for an Act legalizing the assessments heretofore made in the said municipality for the years 1881 and

and 1882, and to change the qualification of voters; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The assessment rolls of the municipality of Neebing, for the years 1881 and 1882, passed by the Court of Revision, and certified by the Stipendiary Magistrate, are hereby declared to be valid and binding. Assessment rolls confirmed.

2. The qualification for voters in the said municipality shall hereafter be the same as in township municipalities in this Province. Qualification of voters.

CHAPTER 54.

An Act to authorize the Corporation of the Town of Orangeville to purchase land for a Post Office site.

[Assented to 25th March, 1884.]

WHEREAS the corporation of the town of Orangeville Preamble. have by their petition represented that it is intended to erect a post office and other public buildings in said town upon the condition of a site for the same being presented by said town to the Government of the Dominion of Canada, and have prayed that an Act may be passed authorizing them to purchase the land hereinafter mentioned for such purpose, and to pay therefor, out of the funds of the said corporation, the sum of twelve hundred dollars; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the town of Orangeville may purchase from the owner or owners thereof, and may convey or cause to be conveyed to the Government of the Dominion of Canada, or to whom they may direct for the purpose hereinbefore mentioned, that part of lot number eleven in block number eight, in the said town of Orangeville, according to a plan of part of the said town laid out by Charles James Wheelock, provincial land surveyor, at the instance of the municipal corporation of the township of East Garafraxa, and filed in the registry office of the county of Dufferin, more particularly described as follows: commencing at a post planted at the north-westerly angle of said lot number eleven Purchase of land for post office, and transfer to Dominion Government authorized.

eleven; thence southerly, along the westerly boundary of said lot, and on the dividing line between said lot number eleven and lot number twelve in said block number eight, one hundred and thirty-two feet; thence easterly, parallel with Broadway Street, seventy-five feet; thence northerly, parallel with the said westerly boundary of said lot number eleven, one hundred and thirty-two feet, more or less, to the southerly boundary of Broadway Street; thence westerly, along the said southerly boundary of said Broadway Street, seventy-five feet, more or less, to the place of beginning; containing by admeasurement nine thousand nine hundred square feet, more or less.

Payment out
of corpora-
tion funds
authorized.

2. The said corporation may pay to the owner or owners of the above mentioned parcel of land the sum of twelve hundred dollars of the money of the said corporation therefor.

CHAPTER 55.

An Act to consolidate the Debt of the Town of Palmerston.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the corporation of the town of Palmerston by their petition have represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways, manufacturers and others, to the extent of thirty-seven thousand dollars, and for other purposes to the extent of sixteen thousand dollars, making in all an indebtedness of fifty-three thousand dollars, of which sum forty-eight thousand dollars are secured by debentures of the said corporation; that the said debentures have, from time to time, been issued under the authority of various by-laws, each of which has made provision for the levying of a rate for the payment of the said debentures thereby authorized which rate has not been hitherto levied in any year; that the amount of each of the said rates so intended to be levied was calculated upon the assessed value of the assessable property included within the said corporation at the respective times when the said several by-laws were passed; that the said several by-laws provided for the levying in future, at the rates therein respectively mentioned, not only upon the said assessed value, but also upon any increase in the said assessed value which might thereafter be made; that since the times of the passing of the said several by-laws the proportion which the actual value of the said assessable property bore to the assessed value thereof at the respective times of the passing of the said several by-laws has not been maintained, but the said assessed value thereof has been increased

creased to a far greater extent than the actual value thereof, by reason whereof the rates directed to be levied by the said several by-laws would now be oppressive, and that by reason of the irregular arrangement and the short dates of the respective times at which the said several debentures are made redeemable, and the non levying of any rates hitherto as aforesaid, the rates now required for such redemption would in future be oppressive, for which reasons and upon various other grounds they have prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for the purpose of discharging such indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the town of Palmerston are hereby consolidated at the sum of fifty-three thousand dollars, and it shall be lawful for the said corporation of the town of Palmerston to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding fifty-three thousand dollars of lawful money of Canada.

Debt consolidated at the sum of \$53,000.

2. It shall be lawful for the said corporation of the town of Palmerston to pass a by-law, or from time to time to pass by-laws, authorizing a loan or loans not exceeding in all the sum of fifty-three thousand dollars, and further authorizing the issuing of debentures therefor in accordance with this Act, and to impose in and by the said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which said consolidated loan rate shall be duly levied in each year, and shall be made sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the lastly-mentioned debentures when the same shall fall due.

Authority to pass by-laws for issue of new debentures.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act, 1883.*"

Assent of electors to by-laws not required.

4. It shall be lawful for the municipal council of the said corporation of the town of Palmerston, after the passing of such by-law or by-laws authorizing the same in accordance with

Debentures may be issued to the amount of \$53,000.

with this Act, to cause to be issued debentures of the said corporation, from time to time as occasion may require, under the corporate seal, signed by the mayor and countersigned by the treasurer and clerk of the said town for the time being, for such sums, not exceeding in the whole the said sum of fifty-three thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half-yearly.

Debentures,
when and how
payable.

5. The said principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon, may be made payable either in this Province, or Great Britain, or elsewhere, as the said council may by the said by-law or by-laws direct, and a portion of the said debentures issued under any such by-law and each of such by-laws shall be made payable in each year for thirty years from the time or times at which such by-law or by-laws authorizing the issue of the same shall respectively be passed, and so that the sums to be levied under the said by-law or each of the said by-laws for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application
of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of fifty-three thousand dollars and not otherwise, and shall, for that purpose, from time to time be deposited as the same shall be received and until the same shall be required for the said purpose, in any branch or agency of any chartered bank of Canada in the said town of Palmerston, or elsewhere in the Province of Ontario, or invested in Government securities or stocks, either of the Dominion of Canada or the Province of Ontario, and all such deposits or investments shall be made in the name of the said corporation as trustees of the said town, and shall be made upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall be withdrawn therefrom only as the same may be required, from time to time, for the payment and redemption of the said outstanding debt and liabilities, or any part thereof, and not otherwise.

Outstanding
debentures
may be
called in.

7. The treasurer of the said town shall, on receiving instructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debts and liabilities.

8.

8. Any by-law to be passed under the second section of this Act and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not
to be repealed
until debt
satisfied.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to, invest or deposit from time to time all moneys raised by the special rate provided by this Act and the by-law or by-laws imposing the same, or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in any one of the modes of investment or deposit authorized by the sixth section of this Act as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the lastly-mentioned debentures or the said outstanding debts and liabilities or any part thereof, and to apply the residue of such moneys from time to time to the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Investment of
money raised
by special
rate.

10. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section six of this Act; the said book of account and statement shall set forth and shew the amount and the place or places of such deposits and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Treasurer to
keep books
shewing state
of debenture
account.

Inconsistent provisions in Municipal Act not to apply.

11. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

46 Vic. c. 18, ss. 411-413, incorporated in this Act.

12. Sections four hundred and eleven, four hundred and twelve, and four hundred and thirteen of "*The Consolidated Municipal Act, 1883*," shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

Liability of corporation not discharged.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Palmerston from any indebtedness or liability which may not be included in the said debt of fifty-three thousand dollars.

Agreement for settlement of suit of W. Clarke against town confirmed.

14. And, whereas, William Clarke, of the said town of Palmerston, Doctor of Medicine, heretofore instituted certain legal proceedings in the Chancery Division of the High Court of Justice against the said corporation for the purpose of enforcing the raising of the sinking fund properly liable by law on the whole debenture debt of the said corporation, which said debenture debt is included in the said sum of fifty-three thousand dollars, wherein such proceedings have been had and taken that, on the fourth day of July, A.D. 1883, an order was made by the said court directing a writ of *mandamus* to issue out of the said court commanding the said corporation to levy and collect in the year 1883 upon and from the taxable property liable therefor, the sinking fund properly liable for the said year on the whole debenture debt of the said corporation, obedience to which writ will now, with the assent of all parties to the said proceedings, be rendered unnecessary by the provisions of this Act; it is with the consent of all the said parties, hereby further enacted, that, in lieu and full satisfaction of all relief sought in the said legal proceedings, and of all relief which might or could hereafter be sought with respect to such sinking fund, all and singular the property and estate of the said Clarke, which is, by any existing by-law of the said corporation, exempted from taxation for a defined period, shall be further exempted from such taxation for a further term of two years, to be reckoned from the expiration of such period, and that the said existing by-law be and the same is hereby confirmed and made valid for the purpose of granting the exemption from taxation which the said by-law purports to grant.

CHAPTER

CHAPTER 56.

An Act to empower the Municipality of the Village of Parkdale to make special Assessments and for other purposes.

[Assented to 25th March, 1884.]

WHEREAS the Corporation of the Village of Parkdale have Preamble.
by petition set forth that they have incurred debts for works or improvements (including drainage) done or constructed as local improvements, under the provisions of the *Municipal Act* without sufficient or valid by-laws having been passed authorizing such works or improvements, or providing for the borrowing of the money or for making assessments for such works or improvements, and they are desirous of being authorized to cause an assessment to be made and to pass by-laws to provide funds for the payment of the debts so incurred for said works or improvements, and it is deemed expedient to grant the prayer of the said petition; and whereas said petition further sets forth that an Act of this Province was passed in the forty-fourth year of Her Majesty's reign, chaptered 44, providing for the erection of water or gas works at the Village of Parkdale, and thirty thousand dollars of the said debentures have already been issued under the authority of the said Act, and it is doubtful whether the provisions of the said Act have been strictly complied with, whereby doubts exist as to the validity of the said debentures, and also by reason of the non-compliance with the provisions of the said Act doubts exist as to the power of the said Municipality to issue further debentures within the limit of the amount authorized by the said Act, and it is deemed expedient to remove the said doubts; and whereas said petition further sets forth that doubts have been raised as to the validity of certain debentures issued by the said Municipality for school purposes and as to the power of the said Municipality to issue valid debentures for school purposes, and it is deemed expedient to remove said doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In any case where a debt has been incurred in respect of any of the works or improvements set forth in Schedule "A" to this Act, it shall be lawful for the Council of the Village of Parkdale, and they are hereby authorized to cause an assessment or assessments to be made and to pass a by-law or by-laws to provide funds for the payment of the debts so incurred for the said works or improvements, and to validate all rates and assessments already or hereafter to be levied in respect thereof, and not contrary to the provisions of this Act.

Council may make assessments for payment of debts incurred for works set forth in Schedule A.

Assessments to provide for amounts remaining unpaid.

2. In making such assessments, and in passing such by-law or by-laws, the amounts to be provided for shall be the amounts remaining unpaid in respect to such works or improvements, after crediting the amounts (if any) which shall have been paid under any assessment made to pay any such debt or debts, but in the making of any such assessment under the provisions of this section, any increase or decrease of the annual rate or assessment heretofore fixed or levied in respect of any property shall be alike as to all the properties affected by such assessment.

Allowance where payment made.

3. In ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited by such works or improvements, the amount paid in respect of such property shall be taken into consideration and allowed.

Council to have powers given by 46 V. c. 18, s. 410.

4. With respect to any such by-laws or debts and any debentures to be issued thereunder or therefor, the said council shall have all the powers conferred upon municipal councils by section 410 of *The Consolidated Municipal Act, 1883*.

By-laws and debentures set out in Schedule B confirmed.

5. The by-laws of the said Village of Parkdale set forth in Schedule "B" to this Act, the numbers whereof are set out in the third column of the said schedule, being by-laws for the construction of local works or improvements and for drainage purposes, and the respective debentures issued thereunder, the numbers whereof are set out in the first column of the said schedule, with the coupons to the said debentures attached, are hereby declared to be valid and binding upon the said corporation, notwithstanding any defect whatever in the said by-laws or debentures, or in any way connected therewith.

Debentures set out in Schedule C confirmed.

6. All debentures issued under the provisions of the said Act respecting water or gas works, being the debentures set forth in Schedule "C" to this Act shall be, and the same are hereby confirmed and rendered valid, notwithstanding any want of form or non-compliance with the provisions of the said Act.

Power to issue further debentures.

7. The said Municipality is empowered from time to time to issue such further debentures as may be required to provide for the cost of works already completed or works to be performed, following, so far as circumstances will permit, the form provided by the said Act: Provided, that such further debentures, together with the debentures already issued under the said Act, shall not in the whole exceed the sum of one hundred thousand dollars.

Separation of village from school section 22, and acts of village and of school board confirmed.

8. The said Municipality is hereby declared for school purposes to be separate from School Section No. 22, and all acts, deeds and things done by the said School Board or by the said village at the request of the said Public School Board since the incorporation of the said village, are hereby declared to be as valid and binding, notwithstanding any defect in or non-observance of formal steps, altering the boundaries of said section or separating the said Municipality from said section after the incorporation

tion thereof, as if such Municipality had been erected into a school section according to law, and the said School Board is hereby declared to have all the rights, powers and privileges conferred on Public School Boards of Villages by any Act or Acts of the Legislature.

SCHEDULE A.—(See Sec. 1.)

Shewing debts incurred for Works and Improvements done and constructed as local improvements, without By-laws.

Nature of Work or Improvement.	Locality.	Cost.
Sidewalk on East side of Spencer Avenue	In front of lots 16 and 84 to 73 inclusive	\$250 31
Grading sidewalks and crossings	Both sides of Union Street	355 08
Sidewalks	North side of Abbs Street, formerly Abbs Alley	38 00
Cribwork and grading	Lake front foot of Dowling Avenue	660 00

SCHEDULE B.—(See Sec. 5.)

Shewing Local Improvement and Drainage By-laws and Debentures validated by this Act.

LOCAL IMPROVEMENTS.

No.	Date of Issue.	By-law.	Nature of By-law.	Amount.
28	August, 28th, 1880	No. 54	Grading sidewalk and curbing Duncan, Fuller and Ruth Streets	\$1500 00
29	August 30th, 1880	No. 53	Sidewalk east side of O'Hara Avenue and south side of Marion Street	
30	August 25th, 1880	No. 58	Crossing Great Western Railway at Dunn Avenue	240 22
31	November 12th, 1880	No. 63	Grading sidewalk and curbing Tyndall Avenue	300 00
32	May 11th, 1881	No. 77	Sidewalk Dowling Avenue	280 00
33	August 10th, 1881	No. 83	Extension of Marion Street	800 00
34	September 18th, 1882	No. 112	Grading and sidewalks on north side Queen Street from Dufferin Street to Jamieson Avenue and south side from Cowan Avenue to Dowling Avenue	1085 48
35	November 20th, 1882	No. 123	Grading sidewalks and curbing on Lorne, Rose, Prospect and Dunn Avenues and Lorne and Victoria Crescents	
36	January 10th, 1883	No. 125	Cribwork foot Dunn Avenue	320 00
37	January 10th, 1883	No. 126	Grading and sidewalk east side Roncesvalles Avenue	410 00
38	January 10th, 1883.	No. 128	Sidewalks, north side of Queen Street from Jamieson Avenue to Soraurin Avenue.	320 00
39	January 10th, 1883.	No. 129	Sidewalks on Brockton road from Queen Street to Brockton Village limits, and sidewalks south side of Clarke Street,	
40	January 10th, 1883.	No. 135	Widening Calendar Street,	650 00 2366 00
				11621 70.

DRAINAGE

DRAINAGE.

No.	Date of Issue.	By-law.	Nature of By-law.	Amount
29	May 18th, 1881.	No. 78	For draining parts of Village of Parkdale (Godson & West system),	\$1183 53
30	January 10th, 1883.	No. 127	South-western section drainage,	5000 00
31	January 10th 1883.	No. 127	South-western section drainage,	3950 85
				\$10134 38

SCHEDULE C.—(See Sec. 6.)

Shewing Debentures issued under the provisions of 44 Vic., cap. 44.

No.	Date of Issue.	By-law.	Nature of By-law.	Amount.
5	July 3rd, 1882.	No. 109.	Water Works.	\$2000 00
1	"	"	"	5000 00
2	"	"	"	2000 00
3	"	"	"	2000 00
4	"	"	"	1000 00
6	"	"	"	5000 00
7	26th, 1883.	"	"	500 00
8	"	"	"	500 00
9	"	"	"	1000 00
10	"	"	"	500 00
11	"	"	"	500 00
12	"	"	"	500 00
13	"	"	"	500 00
14	"	"	"	500 00
15	"	"	"	500 00
16	"	"	"	1000 00
17	"	"	"	1000 00
18	"	"	"	1000 00
19	"	"	"	1000 00
20	"	"	"	1000 00
				\$27000 00

CHAPTER 57.

An Act to incorporate the Town of Port Arthur.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the district hereinafter described is rapidly increasing in population, and is becoming a manufacturing point and a shipping port of considerable importance; and whereas the inhabitants of the said district have petitioned to be separated from the municipality of Shuniah and formed into a corporate town, and the council of the municipality of Shuniah have

have by their petition represented that the incorporation of the said district as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayers of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the district here-
after described shall be separated from the municipality of Town incor-
porated. Shuniah, and the inhabitants thereof shall be, and they hereby are, constituted a corporation or body politic, under the name of "The Corporation of the Town of Port Arthur;" and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province (except where otherwise provided by this Act).

2. The said Town of Port Arthur shall consist of the lands Limits of
town. lying within the limits described as follows, that is to say:—Commencing at the south-east angle of the Township of McIntyre, thence westerly along the south limit of the said township, to the centre of the south limit of section number fifty-three, in the said township; then north through and following the centre line of sections fifty-three, fifty and forty, to the south limit of concession "A," south of the Dawson Road, in the said township, thence along the southern limit of the said concession "A," to the westerly angle of lot five, in the said concession "A"; thence north-easterly along the north-westerly limits of lots five, in concessions A and B, to the north-west angle of the said lot five, in concession B, north of the said Dawson Road; thence northerly along and following the westerly limits of section thirty-five and location W, to the north-west angle of said location W; thence easterly along the northerly limit of the said section W, and the line thereof produced to the water's edge of Thunder Bay; thence in a general south-westerly direction along and following the shore of Thunder Bay to the place of beginning, together with the water lots on Thunder Bay, in front of the said lands.

3. The said town shall be divided into three wards, to be called Wards. respectively, the first, the second and the third wards, which said several wards shall be respectively composed and bounded as follows:—The first ward shall be composed of that portion of the present village of Prince Arthur's Landing, described as follows:—Commencing at the intersection of the northerly limit of Pearl Street, with the easterly limit of High Street; then northerly, along said easterly limit of High Street, to the northerly limit of Van Norman Street; then easterly, along the

the northerly limit of Van Norman Street, to its intersection with the westerly limit of Algoma Street, thence northerly, along said westerly limit of Algoma Street, to the alignment of northerly limit of Cameron Street; thence easterly, along said northerly limit of Cameron Street and Cameron Street produced, to the easterly limits of water lots in Prince Arthur's Landing, as established by the Commissioner of Crown Lands; then southerly, along the said easterly limit of the said water lots, to the northerly limit of Pearl Street produced; then westerly, along the said produced line and the northerly limit of Pearl Street and said limit produced to the place of beginning; the second ward shall be composed of that portion of the said town lying to the south of the Red River Road, not embraced in the first ward; and the third ward shall be composed of that portion of the said town lying to the north of the Red River Road, not embraced in the first ward.

Acts respecting municipal institutions to apply.

4. Except as otherwise provided by this Act, the provisions of "*The Consolidated Municipal Act, 1883*," and of any Act amending the same, with regard to matters consequent upon the formation of new corporations shall apply to the said Town of Port Arthur in the same manner as if the said district had been an incorporated village and had been erected into a town under the provisions of the said Acts.

Local improvements.

5. All expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service for which special provisions are made in sections 612 and 624 of "*The Consolidated Municipal Act, 1883*," shall be by special assessment on the property benefited and not exempt by law from assessment.

Nomination for first election.

6. On the fifth Monday after the passing of this Act it shall be lawful for the Stipendiary Magistrate for the time being of the district of Thunder Bay, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, and councillors, at the town hall in the said Town of Port Arthur; and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the said nomination; and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

Polling.

Deputy Returning officers.

7. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy-returning officers shall, before holding the said election,

election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Oaths.

Powers of
Returning
officer.

8. The clerk of the said municipality of Shuniah and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Clerk of
Shuniah to
furnish copy
of assessment
roll.

9. The council of said town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and nine councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination; and subsequent elections shall be held in the same manner, and the qualification of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of "*The Consolidated Municipal Act, 1883*," and any Act amending the same; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.

Elections.

Powers and
liabilities.

10. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Oaths of office
and qualifica-
tion.

11. At the first election of mayor, and councillors for the said town of Port Arthur, the qualification of electors, and that of officers required to qualify, shall be the same as that required in the Municipality of Shuniah.

Qualification
at first elec-
tion.

12. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters

Expenses of
Act.

matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

By-laws continued.

13. All by-laws which are in force in the municipality of Shuniah, shall continue and be in force as if they had been passed by the corporation of the town of Port Arthur, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation.

Property and liabilities of Shuniah.

14. Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipality of Shuniah shall be apportioned between the said municipality of Shuniah and the said town of Port Arthur as may be agreed upon; and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by each of the said municipalities of Shuniah and the town of Port Arthur, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within two months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators, or of a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities; provided, that nothing in this Act contained shall in any way affect the liability of the municipality of Neebing in respect of claims against the municipality of Shuniah before the incorporation of the municipality of Neebing, and provided for in the Act to organize the municipality of Neebing, or by any agreement between the said municipalities or otherwise.

Arbitration.

Proviso.

Revised roll of 1882 to be basis of settlement in respect of railway bonus.

15. The revised assessment roll of the municipality of Shuniah for the year commencing the first day of July, in the year one thousand eight hundred and eighty-two, shall be taken for the basis upon which the properties embraced in the said town of Port Arthur are to be valued for the purpose of settling the share of indebtedness by the town to the municipality of Shuniah, under the railway bonus of the said municipality.

Collection of taxes in arrear.

16. Arrears of taxes due to the said the corporation of the town of Port Arthur shall be collected and managed in the same way as the arrears due to towns separated from counties, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario

tario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Port Arthur, and to sales of land therein for arrears of taxes due thereon and to deeds given therefor, subject to the provisions of the Revised Statutes of Ontario, chapter one hundred and seventy-five, section thirty-one.

17. The council of the said town may pass a by-law for taking the assessment of the said town for the year from first January to thirty-first December, one thousand eight hundred and eighty-four between the first day of March and the first day of August, one thousand eight hundred and eighty-four. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the final return by the stipendiary magistrate twelve weeks from that day.

Time for assessment for 1884.

18. Until there shall be a resident Judge at Port Arthur for the District of Thunder Bay, the stipendiary magistrate of the said District for the time being shall have and exercise all the powers of the Judge of the County Court under the existing municipal laws of the Province of Ontario.

Stipendiary Magistrate to act as Judge in Municipal matters.

19. Nothing contained in this Act shall free the townships or wards comprising the municipality of the Town of Port Arthur, hereby formed, from any liability now existing against the municipality of Shuniah, and the creditors of the said municipality of Shuniah shall continue to have all the rights and remedies which they had previous to the passing of this Act for the enforcement of their claims against the townships and wards heretofore composing the said municipality of Shuniah.

Rights of creditors of Shuniah protected.

20. All provisions of law relating to the municipality of Shuniah and inconsistent with this Act shall not apply to the town of Port Arthur or the lands within the limits of the said town.

Provisions of law relating to Shuniah inconsistent herewith not to apply to Port Arthur.

CHAPTER 58.

An Act to authorize the Corporation of the Town of Strathroy to purchase certain lands therein for a Public Cemetery.

[Assented to 25th March, 1884.]

WHEREAS the town of Strathroy has, by its petition, represented that additional land is required for a public cemetery, and whereas the lands hereinafter described adjoin the

Preamble.

the public cemetery belonging to the said town; and whereas the said lands are the most desirable and available for an addition to the said cemetery; and whereas doubts exist as to the power of said town to purchase lands within the municipality for cemetery purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to purchase certain lands on the north side of Metcalfe Street.

1. The corporation of the Town of Strathroy are hereby empowered to purchase the following lands situate, lying and being in the said town, and being composed of town lots numbers nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty, on the north side of Metcalfe Street or town line, between the townships of Adelaide and Caradoc, in W. H. Armstrong's survey of part of lot number twenty-one in the fifth concession in the township of Adelaide, south of the Egremont Road, for a public cemetery and for no other purpose.

CHAPTER 59.

An Act respecting the City of Toronto.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the Corporation of the City of Toronto have by their petition set forth the desirability of, and the necessity for, special legislation, conferring upon them increased powers with reference to drainage and sewage works, the expropriation of lands for public uses, the improvement and perfecting the Toronto Water Works, and the providing of moneys for such purposes, and also the desirability of otherwise extending the powers of the Council of the City of Toronto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws may be made for—

1. The council of the corporation of the city of Toronto may pass by-laws for the following amongst other purposes, notwithstanding anything in the *Consolidated Municipal Act, 1883*, or any special or private Act relating to the said city of Toronto contained to the contrary.

(1) For widening, deepening, diverting, straightening and improving any river, creek, stream or water course, for converting any such creek, stream or water course into a main drain or sewer, and adopting the same as a part of the sewerage and drainage system of the city of Toronto, for deepening any such creek, stream or water course and draining any locality, for constructing a main off-take sewer or sewers along the front of the city, or in such other place or places and manner as they may be advised, to prevent the sewerage and filth entering the waters of the Bay, and the necessary works and connections therewith, and for entering upon, taking and using such lands as may be necessary for all and every such purposes.

Widening or deepening streams, etc.

(2) For entering upon, taking, using and acquiring all lands which may at any time be required by the said city for the purposes of city hall buildings, and a court house within the limits of the city of Toronto, making due compensation therefor to the parties entitled thereto under the provisions of the *Consolidated Municipal Act, 1883*, in that behalf.

Taking lands for public buildings, squares, etc.

(3) In the case of the Toronto street railway company or any other body corporate who may be assessable under any general or special Act for the payment of the cost of any portion of any work, improvement or service, otherwise than in respect of real property fronting or abutting on any street benefited by such improvement, work or service, the said company or body corporate, as the case may be, shall be assessable respectively at their head office either in one sum, for their share of the cost of the work or improvement, or in case the cost of the work is payable in instalments then for such sum per annum for the term of years within which the other portions of such debt are made payable, as will be sufficient to pay off the amount of the debt created on the security of their assessment, together with interest at the same rate per annum as is chargeable and payable in respect of the other portions of the debt, and such assessment shall constitute a lien and charge upon any real estate owned by or belonging to the said company, or body corporate.

Assessment of Toronto Street Railway, etc.

2. (1) All that part of the Township of York lying east of the river Don, described as follows, that is to say: All that certain piece or parcel of land situate, lying and being in the County of York, in the Province of Ontario, composed of Lots Nos. 10, 11, 12, 13, 14 and all that portion of 15, lying to the east of the river Don, in the first concession from the Bay, and which is butted and bounded and may be more particularly described as follows, that is to say: Commencing at the intersection of the south limit of the Kingston Road, with the easterly side of the river Don; thence following the windings of the river Don to its intersection with the northerly limit of the allowance for road between the first and second concessions from the Bay; thence easterly along the said northerly limit of the said allowance

Wards of St. Matthew and St. Mark constituted.

ance for roadway between the first and second concessions from the Bay (commonly known as the Don and Danforth Road) to its intersection with the easterly limit of the allowance for road between lots nine and ten; thence southerly along the said easterly limit of road between lots nine and ten, produced to its intersection with the south side of the Kingston Road; thence westerly along the south limit of the Kingston Road to the place of beginning, is hereby annexed to and shall henceforth be included within the limits of the City of Toronto, and shall form a new ward therein to be known as the ward of St. Matthew, subject to the same provisions of law as if such addition had been made under the *Consolidated Municipal Act, 1883*, except in so far as the same are inconsistent with the provisions of this Act.

(2) All that part of the said Township of York, described as follows, that is to say:—That portion of the Township of York, in the County of York, lying to the west of the city of Toronto, comprising the village of Brockton, and all the land situated to the west of the said village of Brockton, including High Park, bounded on the north by the allowance for road between the first and second concessions from the bay, otherwise known as Bloor Street, and on the west by the westerly limit of lot No. 37, in the first concession from the bay, and which may be more fully described as follows, that is to say:—

Commencing at the intersection of the north limit of the road allowance between the first and second concessions from the Bay, now known as Bloor Street, with the westerly limit of the city of Toronto (west side of Dufferin Street), thence westerly along the north limit of the road allowance between the first and second concessions from the Bay (Bloor Street) to its intersection with the westerly limit of lot No. 37 in the first concession from the Bay; thence southerly along said westerly limit of said lot No. 37 from the north limit of the road allowance between the first and second concessions from the Bay to its intersection with the north limit of the road belonging to the county of York, lying between the lands belonging to the Great Western Railway Company and the north shore line of Lake Ontario, and known as the Lake Shore Road; thence easterly along the division line between lots numbers thirty-five and thirty-six, in the first concession from the Bay; thence northerly along said division line to a point at which the northerly boundary of Parkdale, if projected westward, would intersect said division line; thence easterly, and along said projected line, to the north-westerly angle of Parkdale; thence easterly along said northerly limit to its intersection with the easterly limit of the village of Parkdale; thence following the said easterly limit in a south-easterly direction to its intersection with the west side of Dufferin street; thence northerly along said westerly limit of Dufferin street, produced, to the place of beginning, is hereby annexed to and shall henceforth be included within the limits of the city

city of Toronto, and shall constitute a new ward of the said city of Toronto, to be known as the ward of St. Mark, subject to the same provisions of law as if such addition had been made under *The Consolidated Municipal Act, 1883*, except in so far as the same are inconsistent with the provisions of this Act.

(3) The assessment rolls and the voters' lists of the village of Brockton and of the township of York (in so far as they apply to the territory hereby annexed to the city of Toronto), for the year 1883, as finally revised for that year, are hereby confirmed, and the council of the city of Toronto is, subject to other provisions of this Act in that behalf, hereby authorized to adopt the same by by-law to be passed for that purpose, as and for the assessment rolls and voters' lists for the said wards of St. Matthew and St. Mark to which the same apply for the year 1884, and no further or other assessment for the said wards for the year 1884 need be made.

(4) The Reeve and the two Councillors having the highest number of votes, elected for the Village of Brockton for the year 1884 shall be, and they are hereby declared to be the three Aldermen for the said ward of St. Mark, for the year 1884, after this Act comes into force.

(5) Immediately after this Act comes into force the necessary proceedings shall be had and taken for the election of three aldermen for the said ward of St. Matthew, and two public school trustees for each of the said wards of St. Matthew, and St. Mark under the statutes in that behalf providing for filling vacancies occurring during the year, and the aldermen elected at such election shall serve as aldermen of the said city of Toronto for the balance of the current year, and the trustees elected at such election shall serve as public school trustees on the public school board for the city of Toronto, one for each of the said wards, the balance of the current year, and one for the balance of the current year and one year thereafter, the order of their retirement to be determined by lot between them and recorded by the secretary of said public school board at the first meeting thereof to be held after such election shall have taken place.

(6) Sections 4, 5, 6, 7, 8 and 13 of the Act passed in the forty-sixth year of the reign of Her Majesty, chaptered 46, entitled, "*An Act respecting the City of Toronto and the Village of Yorkville, and other matters*," are hereby incorporated with, and are to be read and taken as applying to the said village of Brockton, in the same manner and to the same extent as if the said village of Brockton had been annexed to the city of Toronto under the provisions of the said Act.

(7) Within two months after the passing of this Act, the Council of the City of Toronto shall by by-law take possession of and assume all roads and bridges being the property

perty of and belonging to the County of York, situate within the limits of the territory hereby annexed to the said City; also including the Don bridge on the Kingston Road, together with that part of King street lying west of the said bridge, being the property of the County of York, subject, however, to the right of the said County to receive proper compensation therefor, and in the event of the said Council not being able to agree with the said County on the amount of compensation for any such road or bridge, then such compensation shall be determined by arbitration under the provisions of the *Consolidated Municipal Act, 1883*, in that behalf.

(8) The Councils of the Corporation of the City of Toronto and the County of York and township of York, respectively, are hereby authorized to settle and agree each with the other, or with any of them, upon all questions, claims, demands or disputes, which may arise between them or any of them, out of the annexation of the territory above described to the City of Toronto, or which may arise in respect of any school moneys, school sites or other claims, but in the event of the said Councils not being able to so agree, then all such questions, disputes, claims and demands shall be determined by arbitration under the provisions of the *Consolidated Municipal Act, 1883*, in that behalf; provided that the expenses incurred by the county in taking the census of the territory comprised in the said Ward of St. Matthew, by this Act annexed to the said city, under the application for the incorporation of the same as a village, and which would have been payable by the said village if incorporated, shall be paid to the said county by the said city, not exceeding in all the sum of one hundred dollars.

(9) Having regard to the amount of fees which are being received by the City of Toronto, and which will be received for the future from the City Registrar in respect of lands situate in the ward of Saint Paul's, formerly the village of Yorkville, and in the portion of the township of York hereby annexed to the city of Toronto, and in consideration of the serious loss of income which has arisen and will continue to arise to John Ridout, Registrar of the county of York, from such annexation of territory to the said city of Toronto, it is hereby enacted, the Council of the said city not objecting thereto, that by way of compensation to him the corporation of the city of Toronto shall pay to the said John Ridout the sum of two thousand dollars.

Certain school property of Yorkville, etc. vested in Public School Board of Toronto.

3. All the lands, property and effects which belonged to or were vested in the Public School Board of the late village of Yorkville, and of the Village of Brockton, in the County of York, or in the Public School Trustees of Section number ten in the Township of York, or in the Public School Trustees of Section number six in the Township of York, and all other Public School property situate within the territory annexed

by this Act to the City of Toronto are hereby vested in and declared to be the property of and to belong to the Public School Board of the City of Toronto, subject to any liabilities existing against the said properties or any debenture debt, or other securities issued in respect thereof.

4. The Public School Trustees of Section number six, in the Township of York, are hereby continued in office as regards that portion of said Section not included as part of the City of Toronto within the limits of the Ward of St. Matthew, as hereby formed under this Act, with power to make arrangements for the annexation of the said portion of the said section to any other school section of the said township, and to settle all compensation, if any, due to the same by the Public School Board of the City of Toronto, or any other school section in the said township, or in the event of any disagreement, by arbitration as provided under the *Public Schools Act*.

School trustees of sec. 6 in township of York continued in office.

5. (1) Immediately after this Act comes into force, the necessary proceedings shall be had and taken for the election of two Separate School trustees for each of the said Wards of St. Matthew and St. Mark, under the statutes in that behalf, providing for filling vacancies occurring during the year; and the trustees elected at such election shall serve as Separate School trustees on the Separate School Board for the city of Toronto, one for each of the said Wards for the balance of the current year, and one for each of the said Wards for the current year and one year thereafter, the order of their retirement to be determined by lot between them, and recorded by the secretary of the said Separate School Board at the first meeting thereof to be held after such election shall have taken place.

Provisions respecting Separate Schools in Wards of St. Matthew and St. Mark.

(2) All the lands, property and effects which belonged to or were vested in the Separate School trustees of section number twenty-two, in the Township of York, or in the Separate School trustees of section number six, in the Township of York, are hereby vested in, and declared to be the property of, and to belong to the Separate School Board of the city of Toronto, subject to any liabilities existing against the said properties, or any debenture or other securities issued in respect thereof, and for which said School Boards or any of them, before the passing of this Act, were responsible.

(3) Whereas the annexation of the village of Yorkville (now the Ward of St. Paul) to the city of Toronto deprived said school section number one of the support of Roman Catholics resident in said ward, and whereas said school section before such annexation incurred a debt which is still outstanding for the erection of a school house, the Board of Trustees of Roman Catholic Separate Schools for the city of Toronto is hereby empowered to make an agreement to pay to the said section number one an annual sum for a term of years, but not exceeding the term that said school section continues to maintain the school house so erected.

(4)

(4) The election held in the year 1883 of trustees in the Ward of St. Paul for the Board of Trustees of the Roman Catholic Separate Schools for the city of Toronto is hereby confirmed.

By-laws may
be made for :

Remitting
taxes on
Zoological
Gardens.

6. The Council of the City of Toronto may also pass by-laws :

(1) For authorizing the remission from time to time of taxes on the Zoological and Acclimatization Society gardens, the personal property contained therein and used in connection therewith.

Making grant
in aid of Semi-
Centennial
celebration.

(2) For aiding the coming semi-centennial celebration to an amount not to exceed ten thousand dollars; provided, that any by-law for such appropriation shall require to be passed by a two-thirds vote of the council.

By-laws may
be made for :

7. To secure additional pumping power and other improvements now imperatively necessary in connection with the Toronto Water Works, and also to provide the means necessary to procure a site for and the erection of the new court house to be erected within the said city, and to provide for the acquisition of roads and bridges which the city is obliged to assume where the limits thereof are extended by this or any other Act; and to provide means for constructing the Garrison Creek sewer, it shall and may be lawful for the said Council of the City of Toronto to pass by-laws from time to time and as occasion may require, without obtaining the assent of the electors thereto before the final passing thereof, for borrowing money by the issue of debentures or city stock on the credit of the city at large to the amounts and for the purposes following, that is to say :

Improving
Water Works.

(1) To an amount not exceeding the sum of one hundred and sixty thousand dollars for the purpose of providing additional pumping power for and otherwise improving and perfecting the Toronto Water Works.

Procuring a
site for and
erecting a
court house.

(2) To an amount not exceeding the sum of three hundred thousand dollars for the purpose of procuring a site for and erecting thereon a court house.

Paying
amounts found
due to county
of York or to
companies or
persons for
roads.

(3) For paying the amounts, if any, which may from time to time be found due from the corporation of the city of Toronto, by agreement or arbitration, to the corporation of the County of York, and to any plank or gravel road company, or to any other body corporate, or person or persons, for roads, bridges, or other works or improvements, assumed or to be assumed by the council of the City of Toronto, by by-law, pursuant to the provisions of any Act of the Legislature of the Province of Ontario respecting the extension of city limits.

Constructing
Garrison
Creek Sewer.

(4) To an amount not exceeding the sum of one hundred thousand dollars for the purpose of constructing the said the Garrison Creek sewer.

8. Provided, nothing in this Act contained shall be construed so as to take away or in any way abridge any powers which the said Council now has under *The Consolidated Municipal Act, 1883*, or under any special or private Acts, to pass by-laws without obtaining the assent of the electors thereto before the final passing thereof, for borrowing money on the credit of the city at large by the issue of debentures or city stock for any of the purposes mentioned in this Act or any of the said other Acts.

Powers of city not abridged by provisions of this Act.

9. Provided always, that nothing in this Act contained shall be construed as authorizing an extension of the general city debt beyond the limits thereof fixed by the Act passed by the Legislature of the Province of Ontario in the forty-second year of Her Majesty's reign, chaptered seventy-five.

Act not to be construed as authorizing an extension of city debt.

10. This Act shall be deemed to be incorporated with and as amending the general Municipal and Assessment Acts and the amendments thereto, in so far as the same relate to the city of Toronto.

Act to be incorporated with municipal and assessment Acts.

CHAPTER 60.

An Act respecting a certain By-law of the Town of Trenton.

[Assented to 25th March, 1884.]

WHEREAS Messieurs Gilmour & Company desired to lay down a rail or tramway from their mills in the town of Trenton to a piling yard situate some distance from said mills; and whereas the corporation of the town of Trenton, intending to give said Gilmour & Company power to lay down said tram or railway on certain streets in said town, for that purpose did pass a by-law of said corporation; and whereas said Gilmour & Company, acting on the said permission, did build and construct the said tram or railway, and for the last eighteen months have been using the same; and whereas doubts have been expressed as to the power of the said corporation to give such permission, and the said Messieurs Gilmour & Company and the said corporation have respectively petitioned that an Act may be passed to remove said doubt, and to confirm and make legal and valid the acts of said Gilmour & Company done under and upon the faith of said permission; and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Consent to construction of tramway to be valid.

1. The consent of the said the corporation of the town of Trenton to the construction of the said tramway or railway by Gilmour & Company upon the streets in the by-law of the said corporation, passed in that behalf, specified, that is to say : upon Ontario Street and Water Street in the said town of Trenton is hereby declared to be binding, legal and valid in all respects.

Gilmour & Co to have the right to continue the use of the tramway.

2. The acts of the said firm of Gilmour & Company done under the said permission of the said corporation of the town of Trenton, in the construction of the said tram or railway in accordance with the requirements of said consent, and the laying down and the use of the said tram or railway by the means and in the manner the same has been used for the purposes of their said business, are hereby declared to be legal and valid, and for the purposes of their business as aforesaid, and for the purposes intended by said consent of said corporation, they shall have the right to maintain and use the said tram or railway by the means and for the purposes they have heretofore been using the same since the construction thereof.

Rights of H. M. Cochraine preserved.

3. It is hereby further enacted that nothing in this Act contained shall be held or taken to affect or impair the right or claim (if any such exists,) of Hannah Maria Cochraine against the said Gilmour & Company, to compensation for any damage which she may have suffered by means of the construction of said tramway.

CHAPTER 61.

An Act to consolidate the debt of the Town of Woodstock.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the corporation of the Town of Woodstock, in the County of Oxford, has an outstanding debenture debt of ninety thousand dollars or thereabouts, portions whereof fall due during the year one thousand eight hundred and eighty-four, up to and including the year one thousand nine hundred; and whereas the said corporation is also liable, on certain by-laws of the County of Oxford, numbered one hundred and seventy-five, one hundred and seventy-seven, one hundred and eighty-three and two hundred and fifty-nine, the yearly charge for which on the said town in each year, up to and including the year one thousand eight hundred and ninety-three, is the sum of five thousand and five hundred dollars, or thereabouts; and whereas the said corporation of the Town of Woodstock has incurred a further debt of ten thousand

thousand dollars, for the payment of which no provision is made; and whereas the yearly charge on the ratable property of the said town to meet the rate necessary to defray the said debt already existing and the debt sought to be created for the purpose of raising the said sum of ten thousand dollars, and also to meet the current annual expenses of the said town, is too burdensome on the present ratepayers, and to meet all of such expenditure it will be necessary for the said town to borrow in each of the ten next succeeding years, including the year one thousand eight hundred and eighty-four, the sum of seven thousand dollars, to be raised as hereinafter mentioned; and whereas the said corporation has prayed that an Act may be passed to empower the said corporation in each of the said ten years to borrow on new debentures the sum of seven thousand dollars to meet a portion of the said debentures so maturing and for the other purposes above mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the town of Woodstock may, from time to time, during each of the ten years, beginning with the year one thousand eight hundred and eighty-four, and ending with the year one thousand eight hundred and ninety-three, both inclusive, pass by-laws, authorizing the issue of new debentures of the said town for an amount not exceeding in any one year the sum of seven thousand dollars, payable in twenty years from their respective dates, for the purpose of retiring or renewing a portion of the debentures now outstanding against the said town, and of paying the whole or any part of the share of the said town of the said county debt falling due within the year within which such county debts shall become payable as aforesaid, the same to bear interest at the rate of six per centum per annum, payable yearly, and to be in such sums and either in Canadian or sterling currency and payable at such places either in Ontario, Canada or Great Britain as the council of the said corporation may deem best, and it shall not be necessary to obtain the assent of the electors of the said town nor of the Lieutenant-Governor in Council either under "*The Consolidated Municipal Act, 1883*," or under any other Act now or hereafter to be in force in this Province; and provided further, the said new debentures so to be issued, and all moneys arising from their sale, shall to the full extent thereof be applied to retire and redeem the said outstanding debentures so maturing in the first instance and the said share of the said town of the said county debt, and any surplus shall be placed to the credit of any debentures that may be issued to raise the said sum of ten thousand dollars.

Corporation may issue debentures for the purpose of retiring or renewing debentures now outstanding.

Proviso.

2. It shall and may be lawful for the said corporation without Authority to pass by-laws

for new debentures.

out the assent of the electors of the said town to the passing thereof, nor of the Lieutenant-Governor as aforesaid, to pass by-laws authorizing the issue of debentures for an amount not exceeding ten thousand dollars, payable twenty years from the date thereof in like form and manner as the first named debentures hereby authorized may be issued, for the purpose of paying the said unprovided for debt, and the proceeds thereof shall be applied to the last named purpose only.

Computation of rate of interest on sinking fund.

3. In settling the sum to be raised annually for the payment of all the said new debenture debt, the rate of interest on the investment of the sinking fund shall not be estimated at more than five per centum per annum, to be capitalized yearly, and, to such extent, the rate of interest on such investments may be so estimated by the said council.

Accounts of debentures to be kept.

4. The treasurer of the said town, for the time being, shall keep a separate account of the two sets of debentures hereby authorized to be issued, and of the moneys received by him in respect of the rates hereby authorized to be levied in respect thereof, and shall not pay over any portion of the said rates except for the purpose of paying either principal or interest in respect of the debts of, or debentures in respect of, which such rates shall be raised as aforesaid, and no by-law or resolution of the said council shall be any protection to the said treasurer for any disobedience by him of this enactment.

Application of rates.

Provisions of Municipal Act to apply to by-laws and debentures.

5. Except as is herein provided, the said by-laws shall be passed, and the debentures thereunder to be issued shall be issued, and the duties of the officers of the said corporation in respect thereto shall be in accordance with the provisions of the said *Consolidated Municipal Act* as now existing.

Annual rate to be levied for interest and sinking fund.

6. Any by-law or by-laws so to be made shall contain provisions for the levying in each year during the currency of the debentures thereby authorized to be issued, of an equal, annual, special rate on all the assessable, real and personal property within the said town, sufficient to pay the yearly interest payable on such debentures, and to provide a sinking fund sufficient to pay off the principal of the said debentures when they shall fall due; and such rate shall be so levied as therein provided in like manner as other rates.

Liability of corporation not affected.

7. Nothing in this Act contained shall relieve the said corporation of the town of Woodstock from its liability to the holders of the said now outstanding debentures, or shall impair the obligation of the said corporation to pay the said outstanding debentures according to their tenor and effect.

CHAPTER 62.

An Act to incorporate the Village of Woodville.

[Assented to 25th March, 1884.]

WHEREAS the inhabitants of the Village of Woodville Preamble.
 have, by their petition, set forth that it would greatly
 conduce to the benefit of the said village to be incorporated,
 and have prayed for an Act accordingly; and whereas it is
 expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. On and after the passing of this Act the inhabitants of
 the said Village of Woodville comprised within the Incorporation
 of the Village
 of Woodville.
 boundaries in the second section of this Act mentioned,
 shall be, and they are hereby, constituted a corpora-
 tion or body politic, separate and apart from the Town-
 ships of Mariposa and Eldon in which the said village
 is now situate, under the name of "The Corporation of the
 Village of Woodville," and shall enjoy all such rights, powers
 and privileges as are now, or shall hereafter be, conferred up-
 on incorporated villages in the Province of Ontario.

2. The said Village of Woodville shall comprise and consist Boundaries.
 of the following parcels and tracts of land, that is to say: the
 south-east quarter of lot number one in the second concession
 of the Township of Eldon, in the County of Victoria,
 the south twelve and one-half acres of the west half
 of said lot; the east twelve and one-half acres of the north-
 east quarter of said lot; and lot number one in the third con-
 cession of the said township—two hundred acres; also the
 north quarters of the north halves of lots numbers three and
 four in the fifteenth concession of the Township of Mariposa,
 in the said county; the north halves of the north halves of lots
 numbers five, six and seven, in the said fifteenth concession of
 Mariposa, the east twelve and one-half acres of the south half
 of the north half of said lot number five; and the west twelve
 and one-half acres of the south half of the north half of said
 lot number six, inclusive of all the original allowances for
 roads within or between the said lands.

3. On the second Monday after the passing of this Act it shall First election
 of reeve and
 councillors.
 be lawful for John Calder Gilchrist, Esquire, of the said Village
 of Woodville, who is hereby appointed the returning officer,
 to hold the nomination for the first election of reeve and
 councillors at the Town Hall, or some other prominent place
 in the said village, at the hour of noon; and he shall
 preside

preside at such nomination or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification
of electors and
officers.

4. At the said first election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections, the qualification of electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.

Township
Clerks to fur-
nish copies of
rolls.

5. The Township Clerks of the Townships of Mariposa and Eldon shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or with the collector's roll or with any document, writing, or statement that may be required for that purpose.

First meeting
of council.

6. The Reeve and Councillors so to be elected shall hold their first meeting at the Town-hall, in the said village, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Acts respect-
ing municipal
institutions to
apply.

7. Except as otherwise provided by this Act, the provisions of "*The Consolidated Municipal Act, 1883*," and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and other provisions of the said Acts applicable to incorporated villages shall apply to the Village of Woodville in the same manner as they would have been applicable had the said Village of Woodville been incorporated under the provisions of the said Acts.

Provisions as
to debts of
townships.

8. The said Village of Woodville shall be liable to pay to the Treasurer of each of the Townships of Mariposa and Eldon, in each and every year, such and the same proportion of any debt contracted by the said townships or either of them prior to the present year, as the amount of the assessed property for each township within the limits of the said village as shewn by the collector's roll of the said several townships for the year one thousand eight hundred and eighty-three, bears to the whole amount of the assessed property of the said townships

ships respectively, until such debts shall be fully satisfied, and the parts of the said village situated in the Township of Eldon and Mariposa respectively, shall contribute towards the payment of the said debts in the same proportion as if this Act had not been passed, and for that purpose special rates shall be levied.

9. From and after the passing of this Act the said village shall cease to form part of the Townships of Mariposa and Eldon and shall, to all intents and purposes, form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Village to be separated from the townships.

10. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever, required by the Clerk of the said village, or other officers of the said village, or otherwise shall be borne by the said village and paid by it to any party that may be entitled thereto.

Expenses of Act.

11. Nothing in this Act contained shall have the effect of disqualifying any member of the municipal councils of the said townships of Mariposa and Eldon, or either of them, from holding office in said councils during the current year.

Qualification of councillors of Mariposa and Eldon for present year not affected.

12. Notwithstanding the provisions of the *Liquor License Act*, the License Commissioners may, subject to the provisions of any by-law of the municipality, grant as many tavern licenses in the said corporation as there are in the said village at the time of the passing of this Act, namely, three, subject to the statutory conditions as to accommodation.

Special provision as to licenses.

CHAPTER 63.

An Act to incorporate the Brockville, Westport and Sault Ste. Marie Railway Company.

[Assented to 25th March, 1884.]

WHEREAS the persons hereinafter named, and others, have by their petition prayed to be incorporated as a company for the constructing, equipping and operating a railway, from the town of Brockville, in the county of Leeds, to the village of Westport, in the county of Leeds, and thence in a northerly and westerly direction through the said county of Leeds, and other counties and districts, to the shore of the Georgian Bay, and from there to Sault Ste. Marie; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. George Taylor Fulford, John Fisher Wood, M.P., Robert H. Preston, M.P.P., William Hartsnell Fredenburgh, William Chester Stevens, John Roddick, Rufus Brown, James Cumming, James Beatty Saunders, Robert J. Jelly, and George Hutcheson, together with such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of "The Brockville, Westport and Sault Ste. Marie Railway Company."

Location and gauge of line.

2. The said company shall have full power to construct, equip, lease and operate a railway, of a gauge four feet eight and one-half inches, from a point in or near the town of Brockville, in the county of Leeds, to the village of Westport, in the said county of Leeds, and thence in a northerly and westerly direction through the said county of Leeds, and other counties and districts, to the shore of the Georgian Bay, and from there to Sault Ste. Marie, in the District of Algoma, with full power to pass over any portion of the country between the points aforesaid, and to carry their railway through crown lands, if any, lying between the points aforesaid.

Power to construct railway in sections of not less than ten miles.

3. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act of Ontario* and the amendments thereof applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according

according to the said clauses of the said *Railway Act of Ontario*, and the amendments thereof, with respect to "plans and surveys."

4. When stone, gravel, earth or sand, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the *Railway Act* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction and maintenance of railway.

5. When gravel, stone, earth or sand, shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to gravel-pits, etc.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of *The Railway Act of Ontario* shall not apply.

6. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing

Power to acquire more land than is required for use of railway

chasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to take
lands for
elevators, etc.

7. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such land as may be required at each extremity of the said railway, and on the Georgian Bay, for the purpose of building thereon elevators, storehouses, warehouses, engine-houses, docks, and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, or also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream or water-course.

Snow fences.

8. The said company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Form of conveyances.

9. Conveyances of land to the said company for the purposes of and under the powers given by this Act, made in the form set forth in schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Telegraph and
telephone
lines.

10. For the purpose of constructing, working, and protecting the telegraph and telephone lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph and telephone companies by the *Act respecting Electric Telegraph Companies* and other Acts, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph and telephone lines, shall apply to any such telegraph and telephone lines constructed by the company.

11.

11. From and after the passing of this Act the said George Taylor Fulford, John Fisher Wood, Robert H. Preston, William Henry Fredenburgh, William Chester Stevens, John Roddick, Rufus Brown, James Cumming, James Beatty Saunders, Robert J. Jelly, and George Hutcheson shall be the provisional directors of the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the company equally with themselves, to open stock-books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under *The Railway Act of Ontario* and any other law in force in Ontario are vested in such boards.

Provisional
directors and
their powers.

12. The capital of the said company shall be ten million dollars (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into one hundred thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, city, town, township, or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

Capital stock.

13. The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription and return the deposit of any person if they are of opinion that such person would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors

Directors may
exclude per-
sons from
subscribing,
and may
rescind sub-
scriptions in
certain cases.

directors may in their discretion exclude any one or more of the said subscribers, if in their judgment this will best secure the building of the said railway.

Ten per cent.
to be paid on
subscription.

14. On the subscription for shares of the said capital stock each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the said company.

Calls.

15. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice of each call shall be given, as provided by *The Railway Act of Ontario*.

Payment of
stock in full
allowed.

16. The provisional or elected directors may accept payment in full for stock from any subscriber thereof at the time of subscription thereof or at any time before the making of a final call thereon, and may allow such percentage of discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such stock subscribed.

First election
of directors.

17. As soon as shares to the amount of sixty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the Province of Ontario, which on no account shall be withdrawn therefrom unless for the service of the company, the directors shall call a meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors to the said company.

How meeting
may be called
if provisional
directors
neglect to call
same.

18. In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than twenty thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of time
and place of
meeting.

19. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the town of Brockville, once in each week, for the space of at least four weeks; and such meeting shall be held at such place and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so

paid

paid up ten per centum thereof, with such proxies as may be present, shall choose eleven persons to be the directors of the said company; and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

20. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Brockville, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Brockville during the four weeks preceding the week in which such meeting is to be held. Annual meeting.

21. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special meetings.

22. Every holder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. Votes.

23. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall, at such meeting, be entitled equally with other shareholders to vote by proxy. Representation of stock held by corporations.

24. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon. Qualification of directors.

25. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and shall be entitled as such shareholders to vote and be eligible to office as directors. Rights of aliens.

26. Any meeting of directors regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors; and the said board of directors may employ and pay one of their number as managing director. Quorum of directors.

Delegation of powers to directors in special cases.

27. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number.

Power to make contracts for construction of railway.

28. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or in paid-up stock: Provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Proviso.

Aid to company.

29. The said company may receive from any government, or from any persons or bodies, corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

30. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said company shall have power to accept gifts of land from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of said company.

Exemption from taxation.

31. The corporation of any municipality through any part of which the railway of said company passes or is situated, may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and no such by-law shall be repealed unless in conformity with a condition contained therein.

Right to use highways.

32. Any municipality through which the said railway passes may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways

ways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company; and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

33. The said provisional directors or the elected directors may pay or agree to pay, in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, buildings or lands; and also, subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether said promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Payments which may be made in stock or bonds.

34. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus or gift, or may aid the said company by way of loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Aid from municipalities.

Proviso.

35. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

Provisions as to bonus by-laws.

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act*

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-laws.

36. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the company or the county, as the arbitrators may order.

Deposit for expenses.

37. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Rate not exceeding three cents in the dollar valid.

38. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar, upon the value of the ratable property therein.

Proviso.

By-law, what to contain.

39. Such by-law shall in each case provide (1) For raising the

the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law ; (2) for assessing and levying upon all ratable property lying within the municipality, or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

40. The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

“Minor municipality,” meaning of.

41. In case the by-law submitted be approved of, and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same.

42. Within one month after the passing of such a by-law, the said council, and the mayor, warden, reeve, or other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Issue of debentures.

43. In case any such loan, guarantee or bonus be so granted by a portion of the township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Rate to be levied on portion of municipality granting bonus.

44. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Municipal Act to apply to by-law passed by portion of a township municipality.

45. It shall and may be lawful for the council of any municipality, that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works, (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

Extension of
time for com-
mencement.

46. The councils for all corporations that may grant aid by way of bonus to the said company, may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

Trustees of
debentures.

47. Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustees, within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice, in writing, to him of the appointment of the other trustees, then, in either case, the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his stead, at any time, by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

Trusts of
debentures.

48. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures, or amount realized from the sale, in some chartered bank having an office in the Province of Ontario, in the name of "The Brockville, Westport, and Sault Ste. Marie Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction, by any person who may sue therefor.

49. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees of trustees.

50. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and upon the franchises of the company; and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, that the issue of bonds and debenture stock shall not exceed in all twenty thousand dollars per mile; and provided that in the event, at any time, of the interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds and debenture stock shall have and possess the same rights and privileges, and qualification for directors, and for voting as are attached to shareholders: Provided that the bonds shall have been first registered, and the debenture stock and any transfers thereof shall have been registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof, and that notwithstanding that any such bonds may have been already registered by a former holder thereof. Issue of bonds. Proviso. Proviso. Proviso.

51. Any such bonds, and the coupons thereof, may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name. Such bonds and debenture stock are hereby declared to be personal property. Transfer of bonds and coupons.

52. The said company, hereby incorporated, may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway, or otherwise. Power to mortgage bonds.

Negotiable
instruments.

53. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been made, accepted, or endorsed, with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors, as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Register of
debenture
stock.

54. Any debenture stock authorized under this Act, which from time to time shall be created, shall be entered by the company in a register to be kept for that purpose, at their head office, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

Certificates of
debenture
stock.

55. The said company shall deliver to every holder a certificate stating the amount of debenture stock held by him, and all regulations and provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares shall apply, *mutatis mutandis*, to certificates and transfers of the debenture stock subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Proviso.

Limitation as
to transfer of
debenture
stock.

56. The said debenture stock shall not be transferable in amounts less than one thousand dollars, and no transfer shall include any fractional part of one hundred dollars.

Directors
empowered to
make regula-
tions respect-
ing transfers.

57. The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof, as well in this Province as elsewhere,

elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient; and all such regulations not being inconsistent with this Act, and with the *Ontario Railway Act* as altered and modified by this Act, shall be valid and binding.

58. The said company shall have all the powers necessary for the issue of the said debenture stock authorized by this Act, and for carrying out the objects of this Act in respect thereof. Company to have powers necessary for issue of debenture stock.

59. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back charges on goods.

60. The said railway shall be commenced within three years, and completed within six years after the passing of this Act; and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Commencement and completion of railway.

SCHEDULE A.

Section 9.

Know all men by these presents, that I (or we) [*insert the name of vendor or vendors*] in consideration of dollars paid to me (or us) by the Brockville, Westport and Sault Ste. Marie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (or we) [*insert name of any other party or parties*] in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Brockville, Westport and Sault Ste. Marie Railway Company, their successors and assigns forever. [*Here insert any other clauses, covenants or conditions required.*]

And I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As

As witness my (or our) hand and seal (or hands and seals)
 this day of A.D. 188 .

Signed, sealed and delivered }
 in presence of }

[L.S.]

SCHEDULE B.

Section 48.

CHIEF ENGINEER'S CERTIFICATE.

The Brockville, Westport and Sault Ste. Marie Railway Com-
 pany's Office.

No. Engineer's Department.

A.D. 188 .

Certificate to be attached to cheques drawn on the Brockville,
 Westport and Sault Ste. Marie Railway Company Municipal
 Trust Account, given under section , chapter ,
 of the Acts of the Legislature of Ontario, passed in the
 year of Her Majesty's reign.

I, A. B., Chief Engineer for the Brockville, Westport and
 Sault Ste. Marie Railway Company, do certify that the said
 company has fulfilled the terms and conditions necessary to be
 fulfilled under the by-law No. , of the Township of ,
 (or under the agreement dated the day of , be-
 tween the corporation of and the said company), to en-
 title the said company to receive from the said trust the sum of
 . [Here set out the terms and conditions, if any
 which have been fulfilled.]

CHAPTER 64.

An Act to Confirm certain Municipal By-laws granting
 aid to the Canada Southern Railway Company.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS by an Act passed in the thirty-third year of Her
 Majesty's reign, and chaptered 32, known as the
Canada Southern Act, 1869, it was provided that the Corpora-
 tion of any Municipality through any part of which the railway
 of the Company passes or is situate might, by by-law specially
 passed for the purpose, exempt the said Company and its pro-
 perty in the said Municipality either in whole or in part from
 Municipal

Municipal assessment or taxation, and for such term of years as such Municipal Corporation might deem expedient; and whereas in pursuance of said Act the Corporation of the Township of Sandwich West passed a by-law exempting certain property of the Canada Southern Railway Company from taxation; and whereas the corporation of the Township of Stamford also passed a by-law for a similar purpose; and whereas the Canada Southern Railway was by an Act of the Dominion of Canada, passed in the thirty-seventh year of Her Majesty's reign, chaptered 68, declared to be a work for the general advantage of Canada; and whereas the time limited by the Acts of the Legislature of the Province of Ontario for the completion of the line of the said Company's railway had expired and was revived and confirmed by certain Acts of the Dominion of Canada; and whereas doubts have arisen as to the powers granted to the said corporations to exempt the said Company from taxation, and it is desirable that such doubts should be removed, and the said Canada Southern Railway Company has petitioned for an Act to confirm the same, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-Law of the corporation of the Township of Sandwich West, entitled "A By-law to exempt the Canada Southern Railway from taxation for a period of ten years from the First day of January, 1883," and passed the twenty-fourth day of August, A.D. 1882, is hereby legalized, confirmed and declared to be valid notwithstanding anything in any Act to the contrary thereof: Provided, however, that school and county rates shall be excluded from the operation of the said by-law.

By-law of
Sandwich
West confirm
ed.

Proviso.

2. The by-law of the corporation of the Township of Stamford, entitled "A By-law to provide for exemption of taxation of certain property of the Canada Southern Railway Company," and passed the Fourth day of October, A. D. 1883, is hereby legalized, confirmed and declared to be valid notwithstanding anything in any Act to the contrary thereof: Provided, however, that school and county rates shall be excluded from the operation of the said by-law.

By-law of
Stamford
confirmed.

Proviso.

3. The provisions of the said respective by-laws shall have the same force as if the same were incorporated in this Act, and shall be subject to this Act.

By-laws to
have same
force as if in-
corporated
herein.

CHAPTER 65.

An Act to incorporate the Cascadilla Railway Company.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS James Huxtable, Robert McGhee, George Leslie Airth, John Barr, Duncan C. Lamont, Thomas Ferguson, Simon P. Hodgson, Alexander McKinney, William Taylor, Richard Hewitt, Robert Marshall, and Lionel Puckering have petitioned for an Act to incorporate a company to construct a railway from some point in or near that part of the township of Melancthon, in the county of Dufferin, known as Horning's Mills, to some point at or near the Village of Shelburne, in said county, or to some point at or near Melancthon Station of the Toronto, Grey and Bruce Railway Company, in said township of Melancthon; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. James Huxtable, Robert McGhee, George Leslie Airth, John Barr, Duncan C. Lamont, Thomas Ferguson, Simon P. Hodgson, Alexander McKinney, William Taylor, Richard Hewitt, Robert Marshall, and Lionel Puckering, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Cascadilla Railway Company."

Location of line.

2. The said company shall have full power and authority under this Act to construct a railway from some point in or near that portion of the township of Melancthon, in the county of Dufferin, known as Horning's Mills, to some point at or near the village of Shelburne, in said county, or to some point at or near the Melancthon Station of the Toronto, Grey and Bruce Railway Company in said township.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Form of conveyances.

4. Conveyances of land to the said company, for the purposes of and under the powers given by this Act, made in the form set out in schedule A hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same;

same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

5. From and after the passing of this Act the said James Huxtable, Robert McGhee, George Leslie Airth, John Barr, Duncan C. Lamont, Thomas Ferguson, Simon P. Hodgson, Alexander McKinney, William Taylor, Richard Hewitt, Robert Marshall, and Lionel Puckering, until others shall be chosen as hereinafter provided, shall be and are hereby constituted the board of provisional directors of the said company, any five of whom shall be a quorum, with power to fill vacancies occurring thereon, and to associate with themselves thereon not more than three others who, upon being so named, shall also become and be provisional directors equally with themselves; and they shall have power and authority, immediately after the passing of this Act, to open stock books and to receive subscriptions of stock for the undertaking, and in so doing may exclude any person from subscribing who, in their opinion, would hinder or delay the company from proceeding with the railway, and may allot and apportion the stock amongst the subscribers as to them may seem meet, and may cause surveys and plans to be made and executed, and may make a call or calls upon the shares subscribed therein, and may exercise all such other powers as, under the *Railway Act of Ontario*, or any other law in force in Ontario, are vested in such boards. Provisional directors and their powers.

6. The capital stock of the company shall be sixty thousand dollars, to be divided into twelve hundred shares of fifty dollars each, with power to increase the same in the manner provided in the *Railway Act of Ontario*, and all moneys paid to the company in respect of such shares shall be applied in the first place to the payment of all costs, charges, and expenses of and incidental to the obtaining of this Act, and of all expenses for making the surveys, plans, and estimates connected with the work hereby authorized, and all the remainder of such money shall be applied to the making, equipment, and completion of the said railway, and to the other purposes of the company. Capital stock.

7. As soon as shares to the amount of fifteen thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to said capital stock who shall have paid up ten per centum First election of directors.

centum of the shares by them subscribed, for the purpose of electing directors of the company.

Subscriptions
for stock
invalid unless
ten per cent.
paid within
twenty days.

8. No subscription for stock in the capital of the company shall be valid unless ten per centum thereof shall have actually been paid thereon, within twenty days after the subscription, into some one of the chartered banks of the Province to be designated by the provisional directors, to the credit of the company.

Notice of
general and
annual meet-
ings.

9. Notice of the time of holding such first and all subsequent general and annual meetings of shareholders shall be given by publication in the *Ontario Gazette* and in a newspaper published in the county of Dufferin once in each week for the space of four weeks; and the meeting shall be held at such place and on such day and hour as the directors shall from time to time appoint and name in the notice calling the meeting, and at such first general meeting the subscribers for the capital stock who shall have paid up ten per centum thereof, whether present in person or represented by proxy, shall choose seven persons, any five of whom shall be a quorum, to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

First election
of directors.

Special
general meet-
ings.

10. Special general meetings of the shareholders of the said company may be held at such places, at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Votes.

11. Every holder of one or more shares of the capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for the meeting.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least five shares of stock in the company, and unless he has paid up all calls thereon.

Quorum.

13. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in said directors.

Calls.

14. Calls on the subscribed capital of the company may be made by the directors for the time being, as they see fit, provided that no call shall be made at any one time of more than ten

ten per centum of the amount subscribed by each subscriber, nor at intervals of less than one month, and notice of each call shall be given as provided in section nine.

15. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Rights of aliens.

16. The provisional or other directors of the said company are hereby authorized to constitute the head of any municipality subscribing for stock in, or granting bonuses to, said company, an *ex officio* director of said company, should the amount of aid granted by said municipality, or any portion thereof, be sufficient, in the discretion of said directors, to entitle the said municipality to a representative on said board of directors, and said representative shall be entitled to vote. Appointment of municipal directors.

17. At all meetings of the shareholders of the company the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting. Representation of stock held by municipalities.

18. The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special meeting to be called from time to time for such purpose, shall have power and authority: (1) To make and issue first mortgage bonds, and also second or income mortgage bonds, such issue not to exceed in the whole the sum of fifty thousand dollars, for the general purposes of the company as the same may from time to time be required, in such denominations, payable either in currency or in sterling, and at such place or places within this Province or without, and at such time or times, and bearing such rate of interest and each bond for such an amount as may be deemed advisable, and for the purpose of securing the due payment of any issue thereof and the interest thereon, to mortgage to a trustee or trustees such portion of the line of railway, and of the undertaking, and such of the real property, including the rolling stock and equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned in such mortgage, and such mortgage bonds and all coupons and interest warrants thereon may be payable to the bearer and be transferable by delivery; (2) Every such mortgage to secure payment of first mortgage bonds shall, without registration, be a lien and charge Issue of bonds.

charge upon such portion of the line of railway and of the undertaking, and such of the real property, including the rolling stock and other equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, in preference and priority to all other charges thereon, and every such mortgage for securing payment of second mortgage bonds shall, without registration, be a lien and charge upon such portion of the line of railway and of the undertaking, and such of the real property, including the rolling stock and the equipments of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, next after and subject only to the mortgage or mortgages securing first mortgage bonds; and no more than one mortgage shall be made over the same portion of the line or over the undertaking and real property, including the rolling stock and equipment of the company, whether then existing or to be thereafter acquired, to secure the first mortgage bonds.

Power to
pledge bonds.

19. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which, under the provisions of this Act, can be issued for the construction of the said railway.

Exemption
from municip-
al taxation.

20. It shall further be lawful for the corporation of any municipality in or through any part of which the railway of the company passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years, not exceeding twenty-one years, as such municipal corporation may deem expedient, and any such by-law shall not be repealed unless in conformity with any conditions contained in such by-law.

Snow fences.

21. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established, in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that such snow fences so erected shall be removed on or before the first day of April following.

Proviso.

Power to pur-
chase whole
lots.

22. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case
by

by purchasing the whole of any parcel or lot of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the *Railway Act* shall not apply to this section.

23. Any municipality, except a county municipality, or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Aid from municipalities. Provided always Proviso. that no such aid shall be given except after the passing of a by-law, for the purpose, and the adoption of such by-law, by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

24. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, Provisions as to bonus by-laws. namely: (1) The proper petition shall first be presented to the council expressing the desire to aid said railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters; (2) in the case of a municipality other than a county municipality, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*; (3) in case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

25. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law; (2) for assessing and levying upon all ratable property lying within the municipality or portion of By-law, what to contain.

of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the re-payment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases, respectively.

Deposit by
company for
expenses.

26. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried,
council to pass same.

27. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, the municipal council which submitted the same shall, within four weeks after the date of such voting, read the said by-law a third time, and pass the same.

Issue of
debentures.

28. Within one month after the passing of such a by-law, the said council and the mayor, reeve, or other head, and the other officers thereof, shall issue the debentures provided for by the by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act.

Rate to be
levied on portion
of municipality.

29. In case any such loan, bonus or guarantee be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Provisions of
Municipal Act
to apply.

30. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Trustees of
debentures.

31. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee

Proviso.

trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

32. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner to convert the same into money, or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Cascadilla Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto, under the conditions of the by-law granting the bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Trust of
proceeds of
debentures.

33. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to
trustees.

34. Any municipality through which or through a portion of which the said railway may pass, is hereby empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the construction, running, or traffic of the said railway.

Grant of land
by municip-
ality
authorized.

35. The said company may construct and operate a telegraph line or lines in connection with their said railway, and enter into any arrangements concerning the same with any telegraph or railway company, and all powers conferred upon telegraph companies, by the various statutes relating to telegraph companies, are hereby conferred on said company, and the provisions of any statutes for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph
lines.

36. When stone, gravel, earth, or sand is or are required

Acquiring
for gravel, etc.,

for construction and maintenance of railway.

for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring a roadway, and the notice of arbitration, the award and tender of compensation shall have the same effect as in case of arbitration for roadway; and all the provisions of *The Railway Act of Ontario* and this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section and to the obtaining of materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel-pits, etc.

37. When said gravel, sand, or stone, or other material shall be taken, under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the said *Railway Act* and of this Act, except such as relate to the filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently as the company may think proper, and the powers in this and in the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

Power to take land for building elevators, etc., and to use water of streams.

38. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such lands as may be required at each extremity of the said railway for the purpose of building thereon, and may build thereon, elevators, store-houses, docks, warehouses, engine-houses, and other erections for the use of the said company, and the same, or portions thereof, in their discretion to sell or convey and also to make use for the purposes of the said railway, or of any of such buildings or erections, of the water of any stream or water-course at or near which the said railway passes, or said buildings or erections or any of them are situate, doing,

doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

39. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: *Provided,* however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Power to become parties to promissory notes, etc.

Provido.

40. It shall be lawful for the directors to enter into a contract or contracts with any individual or association, or association of individuals, for the construction or equipment, or both, of the said railway line or any part thereof, including or excluding the procuring of the right of way for said railway line, and to pay therefor, either in cash or bonds or partly in paid up stock of said company, or otherwise, as may be deemed expedient: *Provided* that no contract shall be of any force or validity until approved of by two-thirds of the shareholders present, in person or represented by proxy, at a general meeting of shareholders duly convened for considering the same.

Power to contract for construction and equipment of railway.

Provido.

41. The company incorporated by this Act may enter into any arrangement with the Toronto, Grey and Bruce Railway Company if lawfully empowered to enter into such an agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the said companies may agree upon, or for leasing or hiring any locomotives or other rolling stock or moveable property from such companies with the said company if so lawfully authorized, touching the use by one or the other or by both companies of the railway or rolling stock of either or both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and binding according to the terms and tenor thereof: *Provided* that the assent of at least two-thirds in value of the shareholders of the company shall be first

Agreements for lease of railway.

Provido.

first

first obtained at a general special meeting, to be called for the purpose according to the by-laws of the company and the provisions of this Act; and the said company leasing or entering into such agreement for using the said railway may and is hereby authorized to work the said railway in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Right to use
highways.

42. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same may be in the possession or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then with the assent of such company; and it shall be lawful for the company to enter into and perform any such agreements, as they may from time to time deem expedient, with any municipality, corporation, or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Commence-
ment and
completion of
railway.

43. The construction of said railway shall be commenced within three years, and the same shall be completed within four years after the passing of this Act.

SCHEDULE A.

(Section 4.)

Know all men by these presents that I (or we) [*insert name or names of the vendor*], in consideration of dollars paid to me (or us) by the Cascadilla Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert name of any other party or parties*], in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with its appurtenances unto the said Cascadilla Railway Company, its successors and assigns [*here insert any other clauses, conditions, and covenants required*]; and I (or we), wife (or wives) of the said , do hereby bar my (or our) dower in the said lands.

As

As witness my (or our) hand and seal (or hands and seals), this day of , one thousand eight hundred and eighty .

Signed, sealed and delivered }
in the presence of }

[L.S.]

SCHEDULE B.

(Section 32.)

CHIEF ENGINEER'S CERTIFICATE.

The Cascadilla Railway Company's Office, Engineer's Department.

No.

A.D. 188 .

Certificate to be attached to cheques drawn on the Cascadilla Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., chief engineer of the Cascadilla Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the of (or under the agreement dated the day of , between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of [Here set out the terms and conditions, if any, which have been fulfilled.]

CHAPTER 66.

An Act to incorporate the "Dawn Tramway Company."

[Assented to 25th March, 1884.]

WHEREAS, John T. Sill, Alexander Trerice, Charles Livingston, Collins B. Hubbard, William H. Fox, D. H. Sill, Charles Fox, and Daniel McCraney, have petitioned that an Act may be passed incorporating them under the name of the Dawn Tramway Company, and authorizing the construction, operation, and maintenance of a tramway from a point on the river Sydenham at or near the town of Dresden, to a point at or near Inwood, on the Canada Southern Railway, in the County of Lambton, and with a branch running from a point on said tramway near lot twenty-five in the sixth concession of the township of Dawn to a point at or near Oil City, on

Preamble.

on the Canada Southern Railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The said John T. Sill, Alexander Trerice, Charles Livingstone, Collins B. Hubbard, William H. Fox, D. H. Sill, Charles Fox, and Daniel McCraney, and such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body corporate and politic by the name of the Dawn Tramway Company.

**Railway Act,
R. S. O., c.
165, incorpor-
ated herewith.**

2. The *Railway Act of Ontario*, chaptered one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties, and their prosecution," are incorporated with and form part of this Act, and shall apply to the said company and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said *Railway Act of Ontario*, so incorporated with this Act.

**Powers of
company.**

3. The said Company shall have full power under this Act to construct, maintain and operate a tramway from any point at or near the town of Dresden, in the County of Kent, on the river Sydenham, to a point at or near Inwood on the Canada Southern Railway, in the County of Lambton, and with a branch running from a point on said tramway near lot twenty-five in the sixth concession of the township of Dawn, to a point at or near Oil City, on the Canada Southern Railway, with full power to pass over any portion of the country between the points aforesaid; the company shall haul or permit to be hauled over its line all traffic offered at such rates, and subject to such terms and conditions as may from time to time be settled by the Lieutenant-Governor in Council.

Gauge.

4. The said tramway may be of any gauge.

**Agreements
with other
companies.**

5. The company shall have power to purchase iron and other material for any term of years from any railway company lawfully authorized to enter into such agreement, and they shall also have power to lease or sell the said tramway to any railway company, or to make any agreement with any railway company, lawfully authorized in that behalf, for operating or partially operating the said tramway.

6. The said company may receive from any private individuals, or from any municipality, any bonus or gift for the extension of the said tramway within the distance authorized by this Act. Aid to company.

7. The said company may, but shall not be bound, to operate the said tramway for passenger traffic. Carriage of passengers by company.

8. The company may at the end of ten years, or at any previous period, abandon and relinquish the said tramway, and take up and remove all rails, ties and other material used in the construction thereof, and, in such case all lands acquired for the purpose of said tramway shall forthwith thereafter vest in the owner of the lands respectively severed by the said tramway or in the person now owning the same, his heirs and assigns. Right to abandon tramway.

9. The number of the directors of the company shall be five who shall be elected annually at a general meeting of the shareholders, to be held at the office of the company, in the town of Dresden, on the first Monday in each year, three of whom shall form a quorum for the transaction of business; the first annual meeting shall be held on the first Monday in April, in the year of our Lord one thousand eight hundred and eighty-four, and the method of calling general meetings shall be determined and settled by by-law of the directors. Number of directors and mode of election.

10. The said John T. Sill, Charles Fox, William H. Fox, D. H. Sill, and Daniel McCraney shall be first directors of the company. First directors.

11. The capital of the company hereby incorporated shall be \$50,000 (fifty thousand dollars), with power to increase the same in the manner provided by the *Railway Act of Ontario*, to be divided into five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such moneys shall be applied to the acquisition, making, equipment and completion of said tramway. Capital.

CHAPTER 67.

An Act respecting the Gananoque and Rideau Railway Company.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the parties hereinafter named have petitioned for an Act to revive the Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, and intituled "*An Act to incorporate the Gananoque and Rideau Railway Company*," and also to amend the same, and also to change the name of the said company to "*The Thousand Islands Railway Company*," also to make valid a certain by-law, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

34 Vict. c. 46,
revived.

1. The said Act of the Legislature of the Province of Ontario, passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, and intituled "*An Act to incorporate the Gananoque and Rideau Railway Company*," is hereby revived and continued in full force.

Sec. 1 re-
pealed.
Incorporation.

2. The first section of said Act shall be repealed, and the following substituted therefor: "Hugo B. Rathbun, Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth, Roderick Chrysler Carter, and Charles A. Millner, together with such other persons or corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted, and declared a body corporate and politic, under and by the name of "*The Thousand Islands Railway Company*."

Sec. 2 re-
pealed.
Provisions of
Railway Act
to apply.

3. The second section of said Act is hereby repealed, and the following substituted therefor: "The several sections and provisions of the *Railway Act of Ontario* shall apply to the company hereby incorporated as if fully set out in this Act, save and except where the same are varied by the special provisions of this Act, and then as so varied they shall apply."

Sec. 4
repealed.
Gauge.

4. The fourth section of the said Act is hereby repealed, and the following substituted therefor: "The gauge of the said railway shall be four feet eight and one-half inches."

Sec. 5
amended.

5. The fifth section is amended by striking out the words "*The Railway Act*," and substituting therefor the words "*The Railway Act of Ontario*."

Sec. 6 re-
pealed.

6. The sixth section of said Act is hereby repealed, and the following

following substituted therefor: "The said Hugo B. Rathbun, Edward W. Rathbun, Frederick S. Rathbun, Herbert B. Rathbun, William R. Aylsworth, and Roderick C. Carter shall be and they are hereby constituted a board of provisional directors of the said company, and for the transaction of business a majority shall form a quorum."

Provisional
directors.

7. The seventh section is amended by adding in the eleventh line the word "said" before the words "Railway Act" in the said eleventh line.

Sec. 7
amended.

8. The eighth section is hereby repealed, and the following substituted therefor: "It shall be lawful for the said provisional board of directors to purchase from any company or persons thereunto lawfully authorized, any railway or any part of any railway now constructed or being constructed on any part of the line authorized by the said Act and this Act, and to agree with any such company for the payment therefor at such price as may be agreed upon in fully paid-up shares of the capital stock of the company, or in preferred shares thereof, or partly in shares and partly in mortgage bonds of the company, or wholly in one or more of said ways, and the shares which on said purchase shall be taken in payment or in part payment for said railway or works, shall be fully paid up shares unless otherwise agreed upon, and shall, on being subscribed, entitle the holders thereof to all the rights and privileges of such shareholders, and thereupon the provisional directors shall, by circular addressed to each of the persons so taking said stock or in whose name the same shall stand in the books of the company, call a meeting of said shareholders, who, at the time and place named in the circular, may elect five directors of the said company, who shall be and shall constitute the board of directors of the company for the year then next ensuing, and a majority of the said board shall form a quorum for the transaction of business."

Sec. 8 repealed
Agreements
with other
companies.

9. For any further stock which the company may think proper to have subscribed over and above the paid-up stock which may be issued, as in the next preceding section mentioned, the directors of the company may at any time and from time to time open stock books for the subscription of stock, and may close the same as they may deem proper, and re-open the same until stock to the extent authorized by said Act of incorporation is subscribed for, and they may prescribe the terms and conditions on which any such stock shall be subscribed, and they may reject any subscription which in their judgment the interest of the company requires them to reject; and to any subscription for stock in the said company, so made as aforesaid and approved by the board of directors, all the provisions of the *Railway Act of Ontario* shall apply.

Issue of stock.

10. The ninth section of said Act shall be repealed, and the following

34 Vict. c. 46.
s. 9 repealed.

Annual meeting.

following substituted therefor: "On such day in each year after the said election last above mentioned as the directors shall from time to time appoint by by-law, there shall be holden a general meeting of the shareholders of the company at which the directors shall be elected and such other business transacted as the by-laws made by the company or the directors may from time to time require, and as may be mentioned in the notice calling the meeting."

Notice of meetings.

11. Public notice of all general meetings or special general meetings shall be given in the *Ontario Gazette*, and in one newspaper published in the County of Leeds for four weeks in succession before the day on which said meeting shall be held.

34 Vict. c. 46, s. 16 repealed Employment of paid directors.

12. The sixteenth section of said Act is hereby repealed and the following substituted therefor: "The board of directors may employ one or more of their number as paid director or directors."

Secs. 18, 20-29, 31 & 32, and Schedule B, repealed.

13. Sections eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one and thirty-two, and the sub-sections thereto, and Schedule B of the said Act are hereby repealed.

Power to purchase whole lots.

14. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the *Railway Act* shall not apply to this section.

Power to take gravel, etc., for construction or maintenance.

15. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the *Railway Act of Ontario*, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell,

sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

16. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the *Railway Act of Ontario* and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Sidings to
quarries and
gravel pits.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

17. It shall be lawful for the directors of the Thousand Islands Railway Company to enter into such traffic or working arrangements with the Grand Trunk Railway Company of Canada (if lawfully authorized to enter into such arrangements) as they may agree upon, and to give any other company running powers over their railway, or they may lease or sell their railway to the said Grand Trunk Railway Company of Canada if lawfully authorized to lease or purchase the same, they may also hire or lease engines or rolling stock; all this may be done on such terms and conditions as the board of directors may deem expedient: Provided, however, no such agreement for the sale or lease of the railway shall be valid or binding until it has been submitted to and approved of by a majority of the shareholders present in person or by proxy, and voting at any of the special or general meetings of the shareholders; provided further that the notice calling the meeting shall mention that such agreement will be submitted.

Agreements
with other
companies.

Proviso.

Proviso.

18. The by-law passed by the village of Gananoque on or about the fourteenth day of June, one thousand eight hundred and eighty-three, and numbered one hundred and seventy-nine,

By-law No.
179 of the Vil-
lage of Gananoque and

nine,

agreement in
Schedule B
confirmed.

nine, and a certain agreement entered into by said corporation in pursuance thereof, and which agreement forms Schedule B to this Act, are hereby declared legal, valid, and binding in all respects, and if the said the Thousand Islands Railway Company purchase and acquire the railway in said agreement mentioned, they will be entitled to all the rights and privileges mentioned in said by-law, and may enforce the same in the same manner as if they were in said agreement a party thereto.

Inconsistent
provisions in
34 V. c. 46
repealed.

19. All the provisions of the said Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-six, which are inconsistent with this Act, are hereby repealed.

Schedule A
of 34
Vict. c. 46 re-
placed by a
new schedule.
Resolution of
Gananoque
Water-power
Co., dated
May 9, 1883,
not affected.

20. The following shall be the Schedule A in place of that to the said Act.

21. Nothing in this Act contained shall be held to impair or in any way affect a certain resolution passed at a special meeting of the shareholders of the Gananoque Water-power Company on the ninth day of May, 1883, relating to the right of way over the property owned or controlled by the said Gananoque Water-power Company.

Rights of
creditors pre-
served.

22. Nothing in this Act contained shall in any way impair the rights or remedies of any creditors of the said Gananoque and Rideau Railway Company, but all such rights and remedies shall continue and may be maintained against the said The Thousand Islands Railway Company.

SCHEDULE A.

SECTION 20.

Know all men by these presents, that I (or we) [*insert the name of vendor or vendors*] in consideration of

dollars paid to me (or us) by the Thousand Islands Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (or we) [*insert name of any other party or parties*] in consideration of

dollars paid to me (or us) by the company, the receipt whereof is hereby acknowledged, do grant and release to the said company all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Thousand Islands Railway Company, their successors and assigns forever. [*Here insert any other clauses, covenants or conditions required.*]

And

And I (*or we*) the wife (*or wives*) of the said
do hereby bar my (*or our*) dower in the
said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)
this day of A.D. 188 .

Signed, sealed and delivered }
in presence of } [L.S.]

SCHEDULE B.

SECTION 18.

This agreement made, in duplicate, this fifteenth day of June in the year of our Lord one thousand eight hundred and eighty-three, between the Bay of Quinte Railway and Navigation Company of the first part, and the corporation of the village of Gananoque, in the united counties of Leeds and Grenville, and Province of Ontario, of the second part.

Whereas the corporation of the said village of Gananoque did, under by-law number one hundred and seventy, passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and eighty-three, grant a bonus of ten thousand dollars in debentures to the Bay of Quinte Railway and Navigation Company in aid of the construction of a railway from the Gananoque station of the Grand Trunk Railway of Canada to the dock on the River St. Lawrence in the said village of Gananoque, known as Rathbun's dock; and

Whereas the said the Bay of Quinte Railway and Navigation Company have agreed to build and have ready for use said railway, to be worked by the said Bay of Quinte Railway and Navigation Company; and

Whereas the said debentures were not to be delivered to the said the Bay of Quinte Railway and Navigation Company or the nominee of the said last mentioned company, until an agreement in respect to the working of said railway for the carriage of passengers and freight should be entered into between the corporation of the said village of Gananoque and the Bay of Quinte Railway and Navigation Company to work said railway.

Now therefore this agreement witnesseth that, in consideration of said debentures, the said parties of the first part hereby covenant and agree for themselves and their successors and assigns to and with the said parties of the second part from the time of the completion of the said railway to work, or cause to be worked, the said railway so to be built as aforesaid for the carriage of passengers and freight between the Gananoque station of the Grand Trunk Railway of Canada and the dock on the River St. Lawrence, in the said village of Gananoque, known as Rathbun's dock, as fully and effectually as the business in and out of the said village of Gananoque in the judgment of said company and their assigns will warrant or sustain.

That

That no greater rate than twenty-five cents shall be charged any passenger each way over said railway, and that freight rates over the same shall not exceed an average rate of forty-five cents per ton of two thousand pounds for freights weighing one ton or more, to or from the said village of Gananoque, but the said sum of forty-five cents shall only apply to the carriage of freights and shall not include the terminal charges and the charge for loading or unloading of such freight.

That on the crossing of said railway on King street in the said village of Gananoque, at the angle, a platform shall be built and kept in good repair for the accommodation and convenience of passengers by the said parties of the first *part*, and great care and precaution shall be taken to protect the lives and property of persons passing along said street by bringing each train to a full stop at King street aforesaid before crossing said street.

That one freight train at least per day, except Sunday, shall be run over said railway, and that a passenger train or coach shall make connection with all regular passenger trains on the Grand Trunk Railway of Canada stopping at Gananoque station for passengers.

That no arrangement shall be made with the Grand Trunk Railway of Canada whereby the freight-shed at Gananoque station, on the line of the Grand Trunk Railway of Canada, shall be closed without the written consent of the parties of the second part first had and obtained.

And that, in the event of the said freight shed being closed, a maximum rate not to exceed an average of forty-five cents per ton on freight weighing one ton or more shall be charged for the carrying of freight to and from said village of Gananoque to the present Gananoque station of the Grand Trunk Railway of Canada, but said rate of forty-five cents shall not include loading or unloading such freight and other terminal charges.

The said parties of the second part hereby agree with the parties of the first part, in consideration of this agreement, on delivery of the same duly executed by the said parties of the first part, and on the completion of the said railway as provided in said by-law, to issue the debentures as provided in said by-law and deliver them to the said parties of the first part, or to such person as shall be directed by the said parties of the first part.

That it is hereby further understood and agreed by and between the parties hereto, that in the event of any dispute as to the provisions of said by-law being complied with, or as to the completion of the work, or such like, the same shall be referred to the arbitrament and final determination of an officer to be appointed by the Minister of Railways, and his decision, made under his hand in writing, shall be final and conclusive in the premises.

That the parties hereto shall join in getting from Parliament if possible an Act for the following purposes: First, to confirm the

the said by-law and to remove all doubts as to its validity; second, to authorize the incorporation of a company to work the said railway so proposed to be built, and to authorize the payment to said company of the said bonus on the order of the said the Bay of Quinte Railway and Navigation Company if so desired by them, and for power to amalgamate or make other arrangements with said last mentioned company; third, to confirm and make binding this agreement.

And that, in order to remove all doubt as to the property to be exempt from taxation under section number ten of said by-law, it is hereby agreed that the following shall be the property to be exempt from taxation, viz: The proposed railway and its branches and offices, sheds and buildings, and appurtenances thereof as used and necessary for carrying on the business of said railway, and the said exemption shall not apply to any other property of said company, or other company working said railway.

In witness whereof the parties hereto have executed these presents by the president of the said the Bay of Quinte Railway and Navigation Company and the reeve of the said corporation of the village of Gananoque setting their hands and causing the seals of the said respective corporations to be hereunto affixed the day and year first above written.

(Signed) H. B. RATHBUN,
President. [Seal.]

(Signed) WM. R. AYLSWORTH,
Secretary.

(Signed) WM. BYERS,
Reeve. [Seal.]

CHAPTER 68.

An Act respecting the Hamilton and Dundas Street Railway Company.

[Assented to 25th March, 1884.]

WHEREAS the Hamilton and Dundas Street Railway Company have petitioned for power to build certain branches, to increase and re-adjust their capital account and for other corporate powers, and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Power to construct branches.

1. (1) The said company may construct and operate for passengers and freight a branch or branches, or extend the line of their present tramway with one or more branches and with all necessary side tracks and turn-outs from any point in the City of Hamilton through the said city and the Townships of Barton and Saltfleet, to a point on Lake Ontario, at or near Van Wagner's Beach, in the Township of Saltfleet, and may extend the same line or build a branch to a point on Lake Ontario, in the Township of North Grimsby, at or near the Ontario Methodist Camp Grounds, with power to build any part of the said extension or branches in sections. The said tramway may be carried along and upon such streets and highways as may be authorized by the by-laws of the respective corporations, having jurisdiction over the same, and subject to any restrictions therein or herein contained, and subject to the rights of the Hamilton Street Railway Company, under any by-law and agreement relating thereto, the said company may make and enter into any agreement with any municipal council as to the terms of occupancy of any street or highway; Provided that no by-law of the Corporation of the city relating to the extension of the said street railway, or tramway, or the building of any of the said branches, or as to the occupancy of any street or streets, or the giving of any rights as to the operation of such extension or branches, shall be passed without a two-third vote of the Council of the said city; and, provided further that the said City Council shall not have the power to give the right to the said company to occupy any part of King Street or of Main Street, east of Wellington Street, in the said city, for any part of such extension or branches, nor shall the said company have the right to use steam power in operating the said extension or branches within the said city, and provided also that the said City Council may enact in any such by-law as a condition precedent to the right of such company to construct any such extension or branches, that the route of the street railway or tramway, as now constructed and operated, shall be changed, and that it shall be reconstructed and operated on such other streets or route, and in such other manner as shall be provided for by such by-law. Provided always that nothing herein contained shall be taken to alter or vary the terms of any existing by-law of or agreement with any municipality in reference to the existing line of the said company.

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

(2) Provided, however, that the said Hamilton and Dundas Street Railway shall not have the right to carry the line of their said tramway over any road, held or owned under the "*General Road Companies Act*," without the permission of the owner or owners of such road or roads; nor shall the said tramway be carried on or along Main Street, east of the easterly boundary of the City of Hamilton without the consent of the owners of property fronting on the said street, but this shall not prevent the crossing by the said tramway of any such road or Main Street aforesaid.

2. The clauses of the "*Railway Act of Ontario*," headed "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties, and their prosecution," are incorporated with and form part of this Act, and shall apply to the said company and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said *Railway Act of Ontario*, so incorporated with this Act; Provided, always that the clauses "lands and their valuation" shall not apply within the City of Hamilton.

Certain clauses of R. S. O. c. 165 incorporated.

3. The said company shall not be obliged to work and operate the said extension or branches during the winter season.

Company not bound to work branches in the winter.

4. The said company are hereby authorized, subject to the approval of the Council of the City of Hamilton, to lease or sell their undertaking and line of street railway or tramway as it at present exists or as it may be hereafter extended to any railway or other corporation, upon such terms as may be agreed on, provided always that any such lease or sale shall be null and void, unless consented to by two-thirds or more in value of the shareholders of the said company present in person or by proxy at a meeting to be called to consider the terms of such lease or sale and to ratify the same; and all the corporate and by-law rights of the said company relating to the operation of the said street railway or tramway, shall by such lease or sale, for the purposes thereof pass to the lessee or purchaser.

Power to lease or sell.

5. The company are hereby authorized to call in, cancel and revoke their present issue of bonds to the extent of fifty thousand dollars, authorized by section three of the Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered sixty-five, and also to call in, cancel and revoke the issue of preference stock now outstanding to the extent of twenty thousand dollars, authorized by the first section of the said Act, and the said company are hereby authorized and empowered to make and issue a perpetual debenture stock not exceeding the sum of one hundred thousand dollars, and bearing interest at a rate not exceeding the rate of six per centum per annum, which said debenture stock shall be taken and considered to be the first and preferential charge and claim upon the undertaking and real property of the said company, including its rolling stock and equipments then existing or at any time thereafter acquired, subject always to the lien of any unpaid vendor in respect of any such property, and each

Power to call in and cancel issue of bonds authorized by 44 V. c. 65 and to issue perpetual debenture stock.

Proviso.

holder of the said debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid, provided that the present bondholders of the said company shall have given to or reserved for them as the consideration for the cancellation of their several holdings an equivalent amount of such debenture stock, or at the election of any bondholder he shall be entitled to receive the amount of his holding of such bonds and coupons in cash, at par, and provided that out of the proceeds of the remainder thereof the amount of the said preference stock shall be paid to the holders thereof at par.

Rights of holders of debenture stock on default in payment of interest.

6. In case of default in the payment of interest or dividends on the said debenture stock, the holders thereof shall have the right to call upon the secretary of the said company to register their respective holdings in the books of the said company, and thereupon such holders shall have and possess the same right to vote at the shareholders' meetings in the election of directors and otherwise in the management of the said company as are possessed by the ordinary shareholders thereof, namely, one vote for each fifty dollars of the face value of said bonds or debenture stock.

Increase of capital in case extensions made.

7. In the event of the said company proceeding with the extensions or branches hereby authorized they shall have power to increase their capital stock from twenty-six thousand dollars to fifty thousand dollars by the further issue of four hundred and eighty shares at fifty dollars each, and such shares shall be sold by the directors upon such terms as to them shall seem best.

Increase of debenture stock.

8. The said company are also hereby authorized in such event to make a further issue of debenture stock to rank equally as a preferential charge and claim upon the undertaking and real property of the company, including its rolling stock and equipments then existing or at any time thereafter acquired, with the debenture stock authorized to be issued by the sixth section of this Act to the extent of an additional sum not exceeding six thousand dollars per mile, to be computed upon the mileage of such extensions or branches, to be issued from time to time as the said extensions or branches may be constructed.

Consent of bond and debenture holders to extension required.

9. Provided always that it shall be necessary to obtain the consent of two-thirds of the shareholders and of the holders of the bonds or debenture stock of the said company before the said company shall be at liberty to proceed with the extension or branches hereby authorized, and such consent may be in writing to be entered in full in the minute book of the said company, or it may be given at any meeting of any such shareholders bond or debenture stock holders, called for that purpose

purpose by the secretary of the company by circular mailed to each bond or debenture stockholder two weeks before the time of holding such meeting.

10. Subject to the terms of any agreement with a municipal corporation, the said company may charge fares at the rate of three cents per mile per passenger, provided that no fare need be less than five cents. Fares.

11. The company may make special rates for the carriage of fruit and milk. Special rates.

12. The company may make and enter into an agreement with the Ontario Methodist Camp Ground Company for aid in the construction of their said extension or branches from the said Camp Ground Company by way of loan or bonus or subscription of stock or otherwise, and the said company may grant the said Camp Ground Company special rates for passengers and goods to and from the grounds of the said Camp Ground Company in exchange for such aid. Aid from Ontario Methodist Camp Ground Company authorized.

13. The said company is hereby authorized to purchase, lease, dispose of, let, sell, convey, or mortgage, any lands or premises suitable for parks or pleasure grounds, not exceeding one hundred acres, and the said company are authorized to improve and lay out such lands as parks or places of public resort and within such limits to increase the area of any such park from time to time and may make and enter into any agreements or arrangements with any municipal corporation in respect thereto. Power as to lands for park and pleasure purposes.

14. The said company may receive from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said tramway by way of gift, bonus or loan of money or debentures or other securities for money or by way of guarantee or otherwise upon such terms and conditions as may be agreed upon. Aid to company.

15. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said tramway, or through any part of which or near which the tramway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus or gift, or may aid the said company by way of loan or by the guarantee of the municipal corporation or otherwise, under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified rate-payers of the municipality or portion of municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities.

16.

Provisions as
to bonus by-
laws.

16. Such by-law shall be submitted by the Municipal Council to the vote of the ratepayers in manner following, namely:—

(1.) The proper petition shall first be presented to the council expressing the desire to aid the tramway and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same for the approval of the qualified voters.

(2.) In the case of a township municipality the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under the *Municipal Act*.

(3.) In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

Deposit for ex-
penses.

17. Before any such by-law is submitted the company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Rate not ex-
ceeding three
cents in the
dollar valid.

18. Any municipality or portion of a township municipality interested in the construction of the tramway of the said company may grant aid by way of loan or bonus, or subscription of stock or otherwise to the said company towards the construction of such tramway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

By-law what
to contain.

19. Such by-law shall in each instance provide (1) For raising the amount petitioned for in the municipality or portion of the municipality (as the case may be) mentioned in the petition by the issue of debentures of the township or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law. (2.) For assessing and levying upon all ratable property lying within the municipality or portion of the municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which
debentures

debentures the respective municipal councils, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

20. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. "Minor municipality" meaning of.

21. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried council to pass the same.

22. Within one month after the passing of such by-law the said council and the reeve or other officers thereof shall issue the debentures necessary to raise the sum mentioned in such by-law and deliver the same duly executed to the trustees appointed or to be appointed under this Act. Issue of debentures.

23. It shall be lawful for the corporation of any municipality through any part of which the tramway of the said company passes or is situate by by-law, specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. Exemption from or agreement as to taxes.

24. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, and they shall have full power to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time. Extension of time for completion.

25. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution, or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year. Extension of time for commencement.

26. Whenever a municipality or portion of a township municipality shall grant aid by way of bonus or gift to the company the debentures therefor shall, within six months after the passing of the Trustees of debentures.

the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

27. The said trustees shall receive the said debentures or bonds in trust firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Hamilton and Dundas Street Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said company for the time being in the form set out in the Schedule "A" hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with and is to be attached to the cheque or order drawn by the said trustees for such payments or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trustees entitled to fees.

28. The trustees shall be entitled to their reasonable fees and charges from said trust fund and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Limit of time for commencement and completion of extension.

29. The said extension shall be commenced within five years, and completed within seven years after the passing of this Act.

SCHEDULE A.

(Section 27)

CHIEF ENGINEER'S CERTIFICATE.

The Hamilton and Dundas Street Railway Company's Office,
Engineer's Department.

No.

A.D. 188

Certificate to be attached to cheques drawn on the Hamilton
and Dundas Street Railway Company Municipal Trust Ac-
count given under section chapter of the Acts of the
Legislature of Ontario, passed in the year of Her
Majesty's reign.

I, A. B., chief engineer for the Hamilton and Dundas Street
Railway Company, do certify that the said company has ful-
filled the terms and conditions necessary to be fulfilled under
the by-law number of the Township of (or
under the agreement dated the day of , between
the corporation of and the said company) to entitle
the said company to receive from the said trust the sum of
[Here set out the terms and conditions, if any, which
have been fulfilled.]

CHAPTER 69.

An Act respecting the Lake Simcoe Junction Railway
Company.

[Assented to 25th March, 1884.]

WHEREAS the Lake Simcoe Junction Railway Company Preamble.
have petitioned the Legislature to amend the Acts re-
lating to the said company, so as to enable them to amalgamate or
consolidate with, or sell to, any other railway company duly au-
thorized thereunto, and for other purposes; and whereas it is ex-
pedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Unless the context shall require a different interpretation Interpreta-
of the words hereby interpreted in the construction of this Act, tion.
the words "the company" shall mean the Lake Simcoe Junc-
tion Railway Company, the words "the railway" the railway of
the Lake Simcoe Junction Railway Company, and the words
"the

“the purchasing company” shall mean the railway company which shall purchase the railway of the Lake Simcoe Junction Railway Company.

Power to sell
railway.

2. It shall be lawful for the company to sell the railway, together with all and singular the franchises, houses, buildings, stations, station grounds, property, rights, ways, privileges and appurtenances of the company, to any other railway company duly authorized in that behalf, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said companies, and the said other railway company so purchasing the railway may, so far as this Legislature may have authority to confer such power, exercise all and every the rights, franchises, powers and privileges conferred by the Acts of incorporation and amending Acts relating to the said companies: Provided, however, that no such sale shall take effect until it shall have been submitted to a special general meeting of the shareholders and bondholders of the company called in the manner authorized by the Acts relating to the company for calling general or annual meetings of the shareholders of the company and shall have been approved by a majority in value of such proprietors or persons present in person or by proxy, voting at the said meeting.

Proviso.

New Board of
Directors to
be elected.

3. Before any action shall be taken under the next preceding section of this Act, the secretary of the company shall, and he is hereby authorized to, call a general meeting of the shareholders and bondholders of the company, for the purpose of electing a new board of directors for the company; such meeting shall be called in the manner authorized by the Acts relating to the company for calling general or annual meetings of the shareholders of the company; at such meeting the said shareholders and bondholders present in person or by proxy, shall elect, by a majority of votes in value, the number of directors authorized by the said Acts relating to the company, and the directors so elected shall be and become the duly authorized board of directors of the company for one year from and after such election, and until their successors shall be duly elected in the place of the present board of directors.

Power to issue
consolidated
bonds.

4. The board of directors of the purchasing company, upon such approval of the sale of the railway, as mentioned in the second section of this Act, may, and are hereby authorized (after the sanction of the shareholders of the purchasing company shall have been first obtained at a special general meeting called for such purpose), to create a mortgage to secure bonds on the undertaking and real property of the purchasing company including its rolling stock and equipments then existing and at any time thereafter acquired, including the undertaking and real property of the company with its rolling stock and equipments then existing or at any time thereafter acquired, to rank *pari passu* with the first mortgage

gage bonds, which shall then have been or may thereafter be issued by the purchasing company, for a sum not exceeding twelve thousand dollars per mile, for each mile in length of the railway of the company completed at the time of such sale, and all bonds issued by the purchasing company, under said mortgage, shall rank and stand *pari passu* with all former and subsequent first mortgage bonds issued by the purchasing company, and all former and subsequent first mortgage bonds of the purchasing company shall stand and rank *pari passu* with the bonds issued by the purchasing company, under the authority of this section, upon the said property of the company. The purchasing company shall use and apply the bonds issued under the authority of this section, firstly, in paying, exchanging and getting in the bonds heretofore issued by the company to the extent necessary for that purpose, and the balance, if any, shall be held for the purposes of the purchasing company.

5. It may and shall be lawful for the agreement for the sale authorized by the second section of this Act to stipulate that a certain amount of the first mortgage bonds of the purchasing company, fixed by and named in the said agreement of sale, shall be provided for the redemption of all outstanding bonds of the company, and upon such amount of first mortgage bonds of the purchasing company being issued and ready for delivery it shall and may be lawful for the secretary of the purchasing company to give notice in the *Ontario Gazette* to that effect, and upon the first publication of such notice, the holders of the outstanding bonds of the company shall forthwith become entitled *pari passu* to receive such of the bonds of the purchasing company as the said agreement shall appropriate to them, and the outstanding bonds of the company, and all coupons for interest thereon, shall become null and void, except for the purpose of compelling the delivery of the bonds of the purchasing company provided by the said agreement.

Power to re-deem bonds of the L. S. J. R. Company.

6. Upon the approval of the sale of the railway, as provided in the second section of this Act, and with the sanction of the shareholders of the Midland Railway of Canada, successors of the Toronto and Nipissing Railway Company, in general meeting assembled first had and obtained, which sanction shall be sufficiently proven by being certified under the hand of the chairman of such meeting, and publication of the said certificate and the notice mentioned in the fifth section hereof, the agreement entered into between the company and the Toronto and Nipissing Railway Company, set out in the Act passed in the forty-second year of Her Majesty's reign, and chaptered sixty-two, shall cease, determine, and be of no effect.

Termination of agreement with T. & N. R. Company.

7. Nothing in this Act shall in any manner affect or impair the rights, claims or position of any of the municipalities which have contributed by way of bonus towards the construction

Rights of municipalities not affected.

struction of the railway of the company, whether such rights or claims are secured under any by-law or resolution of any such municipality or otherwise; but the said rights, claims and position and the said by-laws and resolutions shall remain and continue in force as though this Act had not been passed; and the security for the continuous running of the railway provided by sub-section eight of section twenty-two of chapter one hundred and sixty-six of the Revised Statutes of Ontario, shall in no way be impaired or affected by the passing of this Act, but the same shall remain in full force and effect in respect to the company and the railway, whether the powers conferred under section two of this Act shall have been exercised or not.

Repeal.

8. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

CHAPTER 70.

An Act to incorporate the Midland Junction Railway Company.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the construction of a railway from some point on the line of the Midland Railway, in the township of Orillia, to the village of Gravenhurst, has become desirable for the public convenience; and whereas a petition has been presented for the incorporation of a company for that purpose, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Patrick Larkin, James David Edgar, John Carroll, Donald Campbell Ridout, Samuel Bridgeland, George W. Taylor, and Thomas W. Paterson, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The Midland Junction Railway Company."

Location of line.

2. The said company shall have full power and authority to lay out and construct and complete a double or single iron or steel railway, of a gauge of four feet eight and one-half inches in width, from a point on the line of the Midland Railway in the township of Orillia, to the village of Gravenhurst, and to any point on the shore of Lake Muskoka adjacent thereto.

3. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom five shall be a quorum, and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada having an office in the Province of Ontario, all moneys received by them on account of stock subscriptions, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift, made to it in aid of the undertaking, and to enter into any agreement respecting the conditions, or disposition, of any gift or bonus in aid of the railway, and with all such other powers as, under the *Railway Act of Ontario*, are vested in ordinary directors.

Provisional
directors and
their powers.

4. The capital stock of the company shall be one hundred thousand dollars (with power to increase the same, under the *Railway Act of Ontario*), to be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act and the organization of the said company, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.

5. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions
to be approved
by directors
and ten per
cent. paid.

6. The said company may receive, either from any government, or from any persons or bodies corporate, municipal, or politic, who may have power to make or grant the same, bonuses, loans or gifts of money, or securities for money, in aid of the construction, equipment or maintenance of the said railway.

Aid to com-
pany.

7. When and so soon as shares to the amount of twenty-five thousand dollars in the capital stock of the said company shall have been subscribed, and ten per centum paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Toronto, for the

First election
of directors.

the purpose of electing directors of the said company, giving at least four weeks' notice, by advertisement in the *Ontario Gazette*, and in one of the daily papers published in the city of Toronto, of the time, place, and purpose of said meeting.

Number of directors.

8. At such general meeting the subscribers for the capital stock assembled, who shall have paid up ten per centum thereon, with such proxies as may be present, shall choose five persons to be directors of the said company (of whom three shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and the *Railway Act of Ontario*.

Qualification of directors.

9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Annual meeting.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the city of Toronto and on such days and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given, at least four weeks previously, in the *Ontario Gazette*, and in one or more newspapers published at the city of Toronto, and special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company.

Provisions as to issuing bonds and securing payment thereof.

11. For the purposes of the Company the directors may issue bonds and, to secure the same and the interest thereon, they may mortgage the undertaking or part thereof in the manner provided in the *Railway Act of Ontario*, and in this respect the provisions of the said *Railway Act* shall apply; and the said company may provide for the payment annually of a sum by way of sinking fund towards the payment of the principal of the said bonds, and such sinking fund may be invested in the re-purchase or redemption of the bonds of the said company, and it shall be lawful for any other railway company or companies to agree for the loan of its or their credit either by direct guarantee or traffic arrangements or otherwise to secure the payment of the interest on said bonds or any part thereof.

Issue of preferential stock.

12. There is hereby created, and the said company may issue preferential stock to the amount of two hundred thousand dollars to rank after the bonds of the company; and the holders of such preferential stock, or of so much thereof as may from time to time be issued under the provisions hereinafter contained, shall be entitled to rank for dividend out of the net profits of the said company to an amount not exceeding six per cent. per annum

annum upon such preferential stock, before any dividends shall become payable out of the profits of the said company upon the ordinary share capital, and if at any time surplus revenue applicable to dividend shall remain after the said ordinary stock has received six per cent. dividend, then such surplus shall be divided ratably between the holders of such preferential and ordinary stock.

13. It shall be lawful for the directors of the said company to issue for the benefit of the said company the preferential stock hereby created at such prices as shall be from time to time obtainable for the same, and in such amounts as the directors may think proper, and to apply the proceeds of such issue to the general purposes of the said company properly chargeable to capital account; provided that no preferential stock shall be issued without the previous sanction of a special general meeting of the shareholders of the said company.

Mode of issue to be as determined by directors.

Proviso.

14. The said preferential stock shall be and shall have all the incidents of personal estate, and shall be transmissible and transferable in any quantities, as nearly as may be in the same manner and subject to the same regulations as the share capital of the said company; and every hundred dollars thereof shall entitle the holder to one vote at general meetings, and two thousand dollars thereof shall qualify the holder thereof to be elected a director of the said company.

Transfer of preferential stock.

Rights of holders.

15. It shall be competent for the directors of the said company to issue as paid up stock any ordinary stock, and, after sanction by the shareholders, any preferential stock and mortgage bonds of the company, and allot and pay the same for right of way, plant, rolling-stock, or material of any kind, and also for the services of contractors, engineers and other persons, whether directors of the company or otherwise, who may have been, are, or may be engaged in and about the prosecution of the proposed undertaking; provided that no such stock or bonds shall be allotted to any director or directors of the said company until the resolution authorizing the same shall have been made or confirmed at a meeting of the shareholders of the said company.

Payment for right of way, etc., may be made in stock etc.

Proviso.

16. The said company shall have power to become a party to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the president, or vice-president, of the company, and countersigned by the secretary, and under the authority of a quorum of the directors shall be binding on the company; and any such promissory note or bill of exchange so made shall be presumed to have been so made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such

Powers as to promissory notes.

Proviso.

such note or bill, nor shall the officers signing the same be individually responsible for the same, unless issued without the sanction and authority of the board as aforesaid: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of banks.

Calls.

17. The directors may at any time call upon the shareholders for such instalments upon each share, and in such proportions as they may see fit, but no such instalment shall exceed ten per centum on the subscribed stock, and thirty days' notice of each call shall be given as prescribed by the by-laws of the company.

Agreements
with other
companies.

18. The said company shall have power to make running arrangements with the Midland Railway Company of Canada, or with the Grand Trunk Railway Company of Canada, or with both so far as they are lawfully empowered to enter into such an agreement, upon the terms to be allowed by two-thirds of the shareholders of the said company at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with either of the said other railway companies which is lawfully authorized to enter into such an agreement, for leasing the said Midland Junction Railway, or any part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other company any railway, or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders of the said company, voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Company to
afford equal
traffic facilities
to all persons
and
companies.

19. The said company shall at all times work and operate its railway so as to afford equal facilities for the receipt, transfer, and transportation to, from, or over the same, of the traffic of all other lines of railway in Canada, which may connect with the railway of the said company, and the said company shall establish, levy and collect equal tolls, rates and charges, in respect of the traffic received from or to be delivered to all such

such other railways, and so that the same shall be received, transferred, transported and delivered, and the tolls and charges in respect of the same shall be levied and collected on terms of absolute equality, and without discrimination of any sort in favour or against the traffic of any other such railway. The word "traffic" in this section shall mean, not only passengers and their baggage, goods, animals, and things conveyed by railway, but also cars, trucks, and vehicles of any description adapted for running on any railway, and whether loaded or unloaded, owned or leased by or consigned to any such other connecting railway in Canada.

"Traffic,"
meaning of.

20. Conveyances of land to the said company for the purposes of and under the powers given by this Act, made in the form set forth in schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Form of
conveyances.

21. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the *Railway Act of Ontario* shall not apply to this section.

Power to
acquire more
land than is
required for
railway line
only.

22. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase and hold such land as may be required at each extremity of the said railway, for the purpose of building thereon elevators, storehouses, warehouses, enginehouses, docks and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use, for the purposes of the said railway, of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

Power to take
lands for
elevators, etc.

23. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof,

Power to take
gravel, etc., for
thereof,

construction
or mainten-
ance.

thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the *Railway Act of Ontario*, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
quarries and
gravel pits.

24. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the *Railway Act of Ontario*, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

Telegraph
lines.

25. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by the *Act respecting Telegraph Companies*, being chapter one hundred and fifty-one of the Revised Statutes of Ontario, are hereby conferred upon the said company.

Time of com-
mencement
and comple-
tion.

26. The railway shall be commenced within two years, and completed within four years after the passing of this Act.

SCHEDULE A.

(Section 20.)

Know all men by these presents, that I (or we) [*insert the names of the vendors*], in consideration of dollars paid to me (or us) by the Midland Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the names of the other party or parties*] in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land situated [*describe the lands*], the same having been selected and laid out by the said company for the purposes of the railway, to hold with the appurtenances unto the said Midland Junction Railway Company, their successors and assigns [*here insert any other clauses, covenants, and conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of A. D. 18

Signed, sealed and delivered in }
the presence of }

[L.S.]

CHAPTER 71.

An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

[Assented to 25th March, 1884.]

WHEREAS, by an Act passed in the thirty-eighth year of Her Majesty's Reign, and chaptered fifty-four, incorporating "The Port Stanley, Strathroy and Port Franks Railway Company," it is provided that the charter shall be forfeited so far as relates to so much of the railway as may not be completed within five years after the passing of the said Act; and, whereas, the said Company has represented by its petition that, since the passing of the said Act they have been unable to complete said railway; and, whereas, the said company has prayed that the said Act may be revived and amended, and the time for the commencement and completion of said railway extended for two years and five years, respectively, from the day of the passing of this Act, and it is expedient to grant the prayer of said petition;

Preamble.

s

Therefore,

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

38 V. c. 54,
39 V. c. 82,
and 43 V. c.
60, revived.

1. The Act passed by the Legislature of Ontario in the thirty-eighth year of the Reign of Her Majesty, and chaptered fifty-four, intituled, "*An Act to incorporate the Port Stanley, Strathroy and Port Franks Railway Company*," and the Act amending the same, passed in the thirty-ninth year of Her Majesty's Reign, and chaptered eighty-two, and the *Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company*, passed in the forty-third year of Her Majesty's reign, and chaptered sixty, are hereby revived and declared to be in full force and effect, except in so far as the said Acts are amended and changed by this Act, and the time therein limited for the commencement and completion of the said railway is hereby extended for the period of two years and five years, respectively, from the passing of this Act.

38 V. c. 54,
s. 5, repealed.

Gauge.

2. The fifth section of the said Act, passed in the thirty-eighth year of Her Majesty's reign and chaptered fifty-four, is hereby repealed, and the following substituted therefor: "The gauge of the said railway shall be four feet eight and one-half inches."

Sections 20-
23 and 26
repealed.

3. Sections twenty, twenty-one, twenty-two, twenty-three and twenty-six of the said last-mentioned Act are hereby repealed.

Sec. 34,
amended.

4. The thirty-fourth section of the said last-mentioned Act is hereby amended by striking out the word "ten" in the seventeenth line thereof, and substituting therefor the word "fifteen."

Aid from mu-
nicipalities.

5. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions as
to bonus
by-laws.

6. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: (1) The proper petition shall first be presented to the council ex-
pressing

pressing a desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters; (2) in the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the *Municipal Act*; (3) in the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid; (4) in the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

7. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

8. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

9. Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of said road, notwithstanding that such aid may

Rate not exceeding three cents on the dollar valid.

may

Proviso

may increase the municipal taxation of such municipalities or portions thereof beyond what is allowed by law : Provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-law, what to contain.

10. Such by-law shall in each instance provide: (1) for raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law; (2) for assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

"Minor municipality," meaning of.

11. The term minor municipality shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

If by-law carried, council to pass same.

12. In case the by-law submitted be approved and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Council to issue debentures.

13. Within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under the said Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered fifty-four.

CHAPTER 72.

An Act respecting the St. Catharines and Niagara Central Railway Company.

[Assented to 25th March, 1884.]

WHEREAS the St. Catharines and Niagara Central Railway Company have, by their petition, prayed for an Act to extend the powers of the said company, and to declare valid the by-law of the City of St. Catharines, passed to aid the said company, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 35 of the Act incorporating the said company, passed in the forty-fourth year of Her Majesty's reign, and chaptered seventy-three, is hereby amended by striking out the words "Ten thousand dollars," where they occur in the said section, and substituting the words "Twenty thousand dollars" therefor. 44 V. c. 73, s. 35 amended.

2. (1) The by-law of the City of St. Catharines, numbered 354, intituled "A By-law to raise the sum of \$80,000, and to issue debentures therefor for the purpose of aiding the St. Catharines and Niagara Central Railway Company in the construction of their road," and all debentures issued or that may hereafter be issued under the said by-law, are hereby declared legal, binding and valid, any law or statute to the contrary notwithstanding; and the said debentures shall be deposited by the said City of St. Catharines in the hands of the trustees appointed under the said by-law, to be held by them, to be handed over to the said railway company, upon the terms of the resolution of the Council of the City of St. Catharines, passed on the fifth day of December, 1883, and the agreement of the said company in accordance therewith in aid of the works and undertaking of the said railway, which resolution and agreement are hereby declared to be legal and binding upon the said City of St. Catharines, and upon the said railway company. By-law 354 of City of St. Catharines confirmed subject to approval of electors.

(2) Provided always that section number two of this Act shall not be binding without the assent of the electors of the said City of St. Catharines who would be entitled to vote on the original by-law, which assent shall be ascertained as follows, that is to say,

(3) The Council of the said City shall, by resolution, fix the day and hour for taking the votes of the electors and such places in the said City as the Council shall, in their discretion, deem

deem best for the purpose; and the said resolution shall name a deputy returning officer to take the votes at every such place, and the day fixed for taking the votes shall not be less than three or more than five weeks after the passing of this Act.

(4) The Council shall give notice of the time and place so fixed for the taking of such votes in some public newspaper published within the municipality.

(5) The proceedings in taking such votes shall be, as far as applicable, as provided by sections 295 to 324 inclusive of the *Consolidated Municipal Act* of 1883.

(6) A majority of the total votes cast shall be a sufficient assent of the said electors.

(7) A certificate of the taking of such vote and its result shall be entered in the minutes of the Council of the said corporation, signed by the mayor and clerk of the said corporation, and shall be capable of proof in the same manner as any by-law of the municipality.

Preamble of
44 V. c. 73
amended.

3. The words "in the Township of Caistor" in the ninth and tenth lines of the preamble to chapter seventy-three of the Acts passed in the forty-fourth year of Her Majesty's reign, are hereby declared to have been inserted in error in the said preamble; and it is hereby declared that the said company can select any point upon their intended line to start the line of their said road to Hamilton and Toronto.

Construction
of branch line
to Hamilton.

4. In the construction of the line of the said railway from St. Catharines to Toronto, the said company may approach the City of Hamilton by a spur or branch from a point in the township of Saltfleet.

Company may
approach St.
Catharines in
the way most
convenient.

5. Notwithstanding anything to the contrary contained in the said by-law of the City of St. Catharines, or in the agreements or resolutions referred to in the second section hereof, the said company in the construction of their said line from the point which they may select on the Niagara River, or upon the line of any railway giving connection across the cantilever bridge may approach and enter the said City of St. Catharines at the most convenient point, and by the most convenient route for that purpose in the discretion of the directors of the said company.

Restriction as
to amalgama-
tion, etc.

6. It shall not be lawful for the said company to amalgamate with or lease or sell to or make pooling arrangements with the Grand Trunk Railway of Canada or the Great Western Railway Company of Canada until the loan made by the City of St. Catharines, mentioned in the second section of this Act, is fully repaid.

CHAPTER 73.

An Act to incorporate the Sarnia and Lambton Southern Railway Company.

[Assented to 25th March, 1884.]

WHEREAS Charles Mackenzie, Thomas Kenny, James King, Preamble.

Michael Fleming and John Alexander Mackenzie, all of the town of Sarnia in the county of Lambton have, by petition prayed for an Act of incorporation to build and operate a railway from some point on the river St. Clair, within the limits of the town of Sarnia through the townships of Sarnia and Enniskillen, to a point at or near the town of Petrolia; thence southerly to connect with the Canada Southern Railway at or near Oil City, and through or near the village of Oil Springs, and the township of Dawn, all in the county of Lambton, and through the township of Camden to the village of Dresden, in the county of Kent; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said persons in the preamble mentioned, together with such other persons and corporations as shall in pursuance of this Act become shareholders in said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of "The Sarnia and Lambton Southern Railway Company." Incorporation.

2. The company hereby incorporated, and their agents or servants, shall have full power and authority under this Act to lay out, construct and finish an iron railway from some point at or near the river St. Clair, within the limits of the town of Sarnia, through the townships of Sarnia and Enniskillen, to a point at or near the town of Petrolia; thence southerly to connect with the Canada Southern Railway at or near Oil City, and through or near the village of Oil Springs, and the township of Dawn, all in the county of Lambton, and through the township of Camden to the village of Dresden in the county of Kent. Location of line.

3. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

4. The capital of the company hereby incorporated shall be four hundred thousand dollars, with power to increase the same in the manner provided by the *Railway Act of Ontario*, to be divided into four thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become Capital stock.

come shareholders in such company ; and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized ; and the remainder of such money shall be applied to the making, equipment, and working of the said railway and the purposes of this Act.

Provisional
directors.

5. Charles Mackenzie, Thomas Kenny, James King, Michael Fleming, and John Alexander Mackenzie shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of pro-
visional
directors.

6. The said board of provisional directors shall have full powers to open stock books and procure subscriptions for the undertaking ; to make calls upon the subscribers ; to cause surveys and plans to be executed ; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits ; to receive any grant, loan, bonus, or gift made to or in aid of the undertaking ; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the *Railway Act of Ontario* are vested in ordinary directors ; and to call a general meeting of the shareholders for the election of directors as hereinafter provided ; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks' notice in the *Ontario Gazette*, and in one paper published in the town of Sarnia, and in one published in the town of Chatham, of the time and place of meeting to open such books, and receive such subscriptions ; and the said committee or a majority of them may in their discretion exclude any person from subscribing, who, in their judgment would hinder, or delay, or embarrass the company in proceeding with their railway.

First election
of directors.

7. When, and as soon as shares to the amount of fifty thousand dollars, in the capital stock of the company shall have been subscribed, and ten per centum thereof shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in two newspapers, one published in the town of Sarnia, and one in the town of Chatham, and in the *Ontario Gazette*, of the time, place, and object of such meeting ; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of the said company, in manner, and qualified as hereinafter mentioned, who together with ex-officio directors

directors under the *Railway Act of Ontario*, or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act. Application of moneys paid in.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section seven. Calls.

10. Thereafter the general annual meeting of the shareholders of said company shall be held in the town of Sarnia at such time and place as shall be appointed by by-laws of the said Company, and public notice thereof shall be given as provided in section seven. Annual meetings.

11. Special general meetings of the shareholders of said company may be held at the said town of Sarnia, at such times and in such manner, and for such purposes, as may be provided by the by-laws of said company, upon such notice being given as is provided in section seven. Special meetings.

12. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least ten shares of the stock of said company, upon which all calls have been paid up. Qualification of directors.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares, equally with British subjects, and shall also be eligible to office as directors of said company. Rights of aliens.

14. At all meetings of the board of directors five directors shall form a quorum. Quorum of directors.

15. The said company may receive from any government, or from any persons, or bodies corporate, or municipal corporation, who may have power to grant the same, aid towards the construction, equipment, and maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other security for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

16. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or Aid from municipalities

Proviso.

or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Provisions as to bonus by-laws.

17. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: (1) The proper petition shall be first presented to the council expressing a desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters; (2) in the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the *Municipal Act*; (3) in the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under the *Municipal Act* as aforesaid; (4) in the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-laws.

18. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then

then by the railway company or the county, as the arbitrators may order.

19. The term minor municipality shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality, “Minor municipality,” meaning of.

20. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit for expenses.

21. In case the by-law submitted be approved and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same.

22. Such by-law shall in each instance provide : (1) for raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ; (2) for assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively. By-law, what to contain.

23. Within one month after the passing of such by-law the said council, and the mayor, warden, reeve or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. Issue of debentures.

24. In case any such loan, guarantee or bonus be so granted by a portion of the township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Rate to be levied on portion of municipality granting bonus.

25. The provisions of the *Municipal Act*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion Provisions of Municipal Act to apply.

portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

Rate not exceeding three cents on the dollar valid.

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26. Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of said road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof beyond what is allowed by law: Provided, that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

Exemption from or agreement as to taxes authorized.

27. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation: or to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Trustees of debentures.

Proviso.

28. Whenever any municipality, or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

29. The said trustees shall receive the said debentures or bonds

bonds in trust : Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money, or otherwise dispose of them ; Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the Sarnia and Lambton Southern Railway Municipal Trust account, and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule " A " hereto, or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

30. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Trustees' fees.

31. Any municipality which shall grant a bonus of not less than twenty thousand dollars in aid of said company may stipulate that it shall be entitled to name a director in the said company, as the representative of such municipality. Municipal directors.

32. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body politic, or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Grants of land by Municipality.

33. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time ; Provided, that no such extension shall be for a longer period than one year. Extension of time for commencement.

34. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works, (on the completion of which the said company would be entitled to such bonus) from time to time ; provided Extension of time for completion.

provided that no such extension shall be for a longer period than one year at a time.

Power to purchase whole lots.

35. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the *Railway Act* shall not apply to this section.

Power to take gravel, etc., for construction or maintenance.

36. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the *Railway Act of Ontario*, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to quarries and gravel pits.

37. When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of the *Railway Act of Ontario*, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding

section

section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2.) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

38. The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims, and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; Issue of bonds. Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company within the Province of Ontario or Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders; Provido. provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Provido.

39. The railway shall be commenced within two years and be completed within six years from the passing of this Act. Commencement and completion.

40. The company incorporated by this Act may enter into any arrangement with any other railway company or companies lawfully authorized in that behalf, for leasing or hiring from such other company or companies any locomotives or other moveable property, and generally to make any agreement or agreements with any other company lawfully authorized in that behalf, touching the use by one or the other, or by both companies, of the rolling stock, of either or both or any part thereof, Agreements with other companies.

Proviso.

thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof; provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company and provisions of this Act, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Power to mortgage bonds.

41. The said company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Transfer of shares.

42. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Form of conveyances.

43. Conveyances of lands to the said company for the purpose of and powers given by this Act made in the form set out in Schedule "B" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Power to purchase land for warehouses, etc.

44. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops, and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Telegraph lines.

45. For the purpose of constructing, working, and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the *Act respecting Electric Telegraph Companies*, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

46.

46. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality through its council may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

Extension of
time for fulfil-
ment of con-
ditions on
which aid
granted.

SCHEDULE A.

(Section 29.)

CHIEF ENGINEER'S CERTIFICATE.

The Sarnia and Lambton Southern Railway Company's Office,
Engineer's Department.

No.

A.D. 188

Certificate to be attached to cheques drawn on the Sarnia and
Lambton Southern Railway Company Municipal Trust
Account, given under Section chapter of the Acts
of the Legislature of Ontario, passed in the year of
Her Majesty's reign.

I, chief engineer for the Sarnia and
Lambton Southern Railway Company, do certify that the said
company has fulfilled the terms and conditions necessary to be
fulfilled under the by-law number of the . of
(or under the agreement dated the day
of between the corporation of and the
said company), to entitle the said company to receive from the
said trust the sum of [Here set out the terms and condi-
tions, if any, which have been fulfilled.]

SCHEDULE B.

(Section 43.)

Know all men by these presents that I (or we) (*insert the name
of the vendor*) in consideration of dollars paid to
me (or us) by the Sarnia and Lambton Southern Railway Com-
pany, the receipt whereof is hereby acknowledged, do grant and
convey, and I (or we) (*insert the name of any other party*), in
consideration of . dollars paid to me (or us) by the said Com-
pany, the receipt whereof is hereby acknowledged, do grant or
release all that certain parcel (or those certain parcels) of land
situated (*describe the lands*), the same having been selected and
laid out by the said company for the purposes of their railway,
to hold with the appurtenances unto the said Sarnia and Lamb-

ton Southern Railway Company, their successors and assigns,
(here insert any other clauses conditions and covenants required),
 and I (or we) the wife (or wives) of the said do hereby
 bar dower in the said lands.

As witness my (or our) hand and seal (or hands and seals),
 this day of , one thousand eight hundred
 and

Signed, sealed and delivered }
 in the presence of }

[L.S.]

CHAPTER 74.

An Act to incorporate the Silverbrook Tramway Company.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS M. Brennen of the City of Hamilton, County of Wentworth, lumber manufacturer ; Robert S. Campbell, lumber manufacturer, of the County of Dufferin ; John Alfred Scott Brennen, of the County of Simcoe, lumber manufacturer ; James Willson, of the County of Dufferin, lumber dealer, and Hugh Scott Brennen, of the City of Hamilton, have petitioned that an Act may be passed incorporating them under the name of the "Silverbrook Tramway Company," and authorizing the construction, operation and maintenance of a tramway from a point at or near Tioga Station, on the Hamilton and North-Western Railway, to a point at or near Pine River Mills, in the County of Dufferin ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Incorporation.

1. The said M. Brennen, Robert S. Campbell, John Alfred Scott Brennen, James Willson, Hugh Scott Brennen, and such other persons and corporations as shall in pursuance of this Act become shareholders, are hereby constituted a body corporate and politic, by the name of the "Silverbrook Tramway Company."

R. S. O., c. 165, to apply.

2. *The Railway Act of Ontario*, chaptered one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares, and their

their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties and their prosecution," are incorporated with and form a part of this Act, and shall apply to the said company, and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression, "this Act," when used herein, shall include the clauses of the said *Railway Act of Ontario* so incorporated with this Act:—Provided, that at the election of any property owner through whose lands it is proposed to carry the said tramway the said company shall be obliged to take the whole of any township lot and pay therefor, the value of such lot to be ascertained by arbitration under the said Act, before they can enter the same for the purpose of constructing the said tramway, and in such case the lands so acquired shall not on the abandonment of the tramway vest in the owner of the lands severed thereby. Proviso.

3. The said company shall have full power under this Act to construct, maintain and operate a tramway from any point at or near Tioga Station, on the line of the Hamilton and North-Western Railway, to a point at or near Pine River Mills, with full power to pass over any portion of the country between the points aforesaid; and the company shall haul or permit to be hauled over its line, all traffic offered at such rates and subject to such terms and conditions as may from time to time be settled by the Lieutenant-Governor in Council. Location of line.

4. The said tramway may be of any gauge. Gauge.

5. The company shall have power to lease iron and other material, for any term of years, from the Hamilton and North-Western railway company if lawfully authorized to enter into such agreement, and they shall also have the power to sell or lease the said tramway to the said last-mentioned railway company or to make any agreement with the said railway company, if lawfully authorized in that behalf, for operating or partially operating the said tramway. Agreements with other companies.

6. The said company may receive, from any private individuals, or from any municipality, any bonus or gift for the extension of the said tramway within the distance authorized by this Act. Aid to company.

7. The conveyance, by the said petitioners, of that part of the said tramway now constructed, to the said company, shall vest the same in the said company as if constructed by them under this Act. Conveyance of existing tramway to company.

8. The said company may, but shall not be bound to operate the said tramway for passenger traffic. Carriage of passengers authorized.

Right to
abandon tram-
way.

9. The company may, at the end of ten years or at any subsequent period, abandon and relinquish the said tramway, and take up and remove all rails, ties and other material used in the construction thereof, and in such case all lands acquired for the purposes of the said tramway shall, forthwith, thereafter, vest in the owner of the lands respectively severed by the said tramway, or in the person now owning the same, his heirs or assigns.

Number of
directors and
mode of elec-
tion.

10. The number of directors of the company shall be five, who shall be elected annually at a general meeting of the shareholders to be held at the office of the company, in the city of Hamilton, on the first Monday in February in each year, three of whom shall form a quorum for the transaction of business; the first annual meeting shall be held on the first Monday in February, in the year of our Lord one thousand eight hundred and eighty-four, and the method of calling general meetings shall be determined and settled by by-law of the directors.

First direc-
tors.

11. The said M. Brennen, Robert S. Campbell, John Alfred Scott Brennen, James Willson, and Hugh Scott Brennen, shall be the first directors of the said company.

Capital.

12. The capital of the company hereby incorporated, shall be ten thousand dollars (with power to increase the same in the manner provided by the *Railway Act*), to be divided into two hundred shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such moneys shall be applied to the acquisition, making, equipment and completion of the said tramway.

CHAPTER 75.

An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the construction of a railway, as hereinafter authorized, is desirable for the public interest and benefit of the portions of the Province of Ontario, through or near which the same is intended to pass, and Alfred Gooderham, John Turner, William Henry Beatty, Duncan Coulson, Thomas Gibbs Blackstock, John Leys, William J. Copp and J. M. Williams have petitioned for an Act to incorporate a company

company for the purpose of constructing such railway, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislature of the Province of Ontario, enacts as follows :—

1. The said Alfred Gooderham, John Turner, William Henry Beatty, Duncan Coulson, Thomas Gibbs Blackstock, John Leys, William J. Copp and J. M. Williams, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Toronto, Hamilton and Buffalo Railway Company." Incorporation.

2. The said company shall have full power to construct a railway of a gauge of four feet eight and a-half inches, from a point in or near the city of Toronto to a point in or near the city of Hamilton, and thence to some point at or near the International Bridge, or Cantilever Bridge, on the Niagara River, and with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown lands, if any, lying between the points aforesaid. . Gauge and location of line.

3. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the *Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act of Ontario* and the amendments thereof applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said *Railway Act of Ontario* and the amendments thereof, with respect to "plans and surveys." Construction in sections of not less than ten miles authorized.

Power to
acquire land
for gravel pits,
etc.

4. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may acquire and hold land in addition to the roadway from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required; and in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, may cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and all the provisions of the *Railway Act of Ontario*, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining such materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits,
etc.

5. When gravel, stone, earth or sand shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the *Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

Power to pur-
chase whole
lots in certain
cases.

6. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of
way

way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of the *Railway Act of Ontario* shall not apply to this section

7. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase, and hold such land as may be required at each extremity of the said railway, and at the city of Hamilton, for the purpose of building thereon elevators, storehouses, warehouses, engine-houses, docks, and other erections for the uses of the said company, and the same or portion thereof, in their discretion to sell or convey, and also to make use for the purposes of the said railway of the water of any stream or water-course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

Power to take land for building elevators, etc., and to use streams.

8. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fences. Proviso.

9. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule A, hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns, and such conveyances may be registered in such manner as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates.

Form of conveyances.

10. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the *Act respecting electric telegraph companies*, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

11. From and after the passing of this Act the said Alfred Gooderham, John Turner, William Henry Beatty, Duncan Coulson, Thomas Gibbs Blackstock, John Leys, William J. Copp and J. M. Williams shall be the provisional directors of the

Provisional directors and their powers.

the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land and construction and equipment of the said railway, and with all such other powers as under the *Railway Act of Ontario*, and any other law in force in Ontario, are vested in such boards.

Capital.

12. The capital of the said company shall be one million dollars (with power to increase the same in manner provided by the *Railway Act of Ontario*), to be divided into ten thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, city, town, township, or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Power of directors to exclude persons from subscribing for stock.

13. The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription and return the deposit of any person, if they are of opinion that such person would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Ten per cent. to be paid at

14. On the subscription for shares of the said capital stock each

each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank of the Dominion having an office in the Province of Ontario to the credit of the said company.

time of sub-
scription.

15. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice of each call shall be given, as provided in the *Railway Act of Ontario*.

Calls.

16. The provisional or elected directors may accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and may allow such percentage or discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such stock subscribed.

Power to ac-
cept payment
of subscrip-
tions in full.

17. The said provisional directors or the elected directors may pay or agree to pay in and issue therefor stock as fully paid up, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling-stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant, or rolling-stock: Provided that if such promoters or other persons be provisional or elected directors of the company, such payment or agreement shall not be made unless the same be sanctioned by a vote of the shareholders at any general meeting, and any agreement so made shall be binding on the company.

Power to make
certain pay-
ments in
stock.

Proviso

18. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the city of Toronto, which on no account shall be withdrawn therefrom unless for the service of the company, the directors shall call a meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company.

First election
of directors.

19. In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have

Provision in
case directors
neglect to call
meeting.

so paid up ten per centum, and who are subscribers among them for not less than twenty thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of meeting.

20. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the cities of Toronto and Hamilton, once in each week for the space of at least four weeks; and such meeting shall be held at such place and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meeting.

21. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the city of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the cities of Toronto and Hamilton respectively.

Special meetings.

22. Special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Votes.

23. Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Representation of stock held by corporations.

24. At all meetings of the company the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

Qualification of directors.

25. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Rights of aliens.

26. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in the

the Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and aliens shall be eligible to office as directors of the said company.

27. The directors of the company may, subject to the rules and regulations from time to time to be made by the directors respecting the same, appoint an agent in the city of London, England, and also an agent in the city of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London or New York offices in the names of the transferees, in the same manner as shares may be transferred in the former office and *vice versa*, and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip certificates may be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in the Province.

Company may
appoint agents
in England
and in New
York.

28. Wherever any transfer shall be made, in England or the United States, of any share of stock of the company the delivery of the transfer of stock and scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company, in respect to the shares of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the register of transfer for the purpose of dividends as they may find expedient; and all such regulations, not being inconsistent with the provisions of this Act and of the *Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding.

Transfers in
England or
United States,
how made.

29. At all meetings of the board of directors four shall form a quorum for the transaction of business, and the said board may employ one of their number as paid director.

Quorum of
directors and
appointment
of a paid
director.

Delegation of
power by
directors.

30. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number.

Power to
contract for
construction
and equipment
of line.

31. The directors of the said company may enter into a contract or contracts with any individual, or association of individuals, for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in cash or bonds, or in paid-up stock, or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company: Provided that no such contract in which a shareholder or director of the company shall be a contractor, shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Proviso.

Aid to
company.

32. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Grants of land
from municipi-
palities, etc.,
authorized.

33. Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption
from taxation.

34. The corporation of any municipality through any part of which the railway of the said company passes or is situated, may, by by-law specially passed for that purpose, exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or may agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

35. Any municipality through which the said railway passes, may pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such highway be either in the possession or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Municipalities may authorize the company to make their road on highways.

36. The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, and the rolling stock and equipments of the company then existing, and at any time thereafter acquired, and upon the franchises of the company, and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds and debenture stock shall not exceed in all the sum of two million dollars; and provided that in the event at any time of the interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualification for directors, and for voting, as are attached to shareholders: Provided that the bonds shall have been first registered, and the debenture stock, and any transfers thereof, shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and that notwithstanding that any such bonds may have been already registered by a former holder thereof.

Issue of bonds.

Proviso.

Proviso.

Proviso.

37. Any such bonds, and the coupons thereof, may be made payable to bearer and transferable by delivery, and any holder of

Bonds, etc., to be personal property, and of

transferable
by delivery.

of any such securities so made payable to bearer, may sue at law thereon in his own name; such bonds and debenture stock are hereby declared to be personal property.

Power to
mortgage
bonds.

38. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Power to
become parties
to promissory
notes, etc.

39. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Registration
of debenture
stock.

40. Any debenture stock authorized under this Act which from time to time shall be created, shall be entered by the company in a register, to be kept for that purpose at their office in Toronto, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

Certificates to
be given to
holders of
debenture
stock.

41. The company shall deliver to every holder a certificate stating the amount of debenture stock held by him, as the case may be, and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares, shall apply *mutatis mutandis* to certificates and transfers of the debenture stock, subject to the provisions of this Act: Provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Proviso.

42. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, with power to pay dividends, to open and keep books of transfer and registers for the shares of the capital stock of the company, and also keep books of transfer and registers for the debenture stock of the company, and for the issue of scrip and stock certificates, and thereupon the registry of any shares of debenture stock may be transferred from the office of the said company in Toronto to the London office, and there registered in the name of the holder, and transfers of such shares and debenture stock may then be made in the same manner as shares and debenture stock may be transferred in the former office, and such shares or any of them or debenture stock may be re-transferred to the office in Toronto, and the agent or agents or other officer or officers in London shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in Toronto, who shall thereupon make the requisite entries respecting such transfer, transfers and scrip certificate and certificates in the registers kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders and debenture stockholders, as though the scrip certificates had been issued by the secretary of the company in Toronto.

Company may appoint an agent in England for certain purposes.

43. The said debenture stock shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling.

Debenture stock not transferable in less amounts than £100 sterling.

44. The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations, not being inconsistent with this Act, and with the *Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding.

Power to make regulations for transfer, etc. of stock.

45. The said company shall have all the powers necessary for the issue of the said debenture stock or terminable bonds authorized by this Act, and for carrying out the objects of this Act in respect thereof.

Company empowered to issue debenture stock and bonds.

46. The said debenture stock, bonds, and all other debenture stock issued or to be issued by the said railway company shall be deemed to be and are hereby declared to be personal estate.

Debenture stock to be personal property.

47. The said company shall have the right to sell such debenture stock and bonds at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company.

Power as to sale and mortgage of debenture stock and bonds.

48.

Application of
proceeds.

48. The money to be realized from the sale of or raised by mortgaging, pledging or hypothecating the said debenture stock and bonds shall be applied towards the cost of constructing and equipping the said railway, and for such other purposes as the directors may deem expedient.

Power to
build, etc., and
dispose of
vessels.

49. The said company shall have power to build, purchase or charter, and to manage, work and navigate, in connection with their railway, steam vessels, sailing vessels and barges, and also to sell and dispose of the same from time to time when deemed expedient, free from any lien thereon under any bond or debenture stock of the company, and also to enter into arrangements or agreements with owners or managers of steam vessels, sailing vessels or barges, from time to time, for the working, management and navigation of any such vessels in connection with their railway, and may agree upon such tolls and rates of freight for or in respect of traffic carried over their railway, received from or delivered to or forwarded by or carried in connection with steam vessels, sailing vessels or barges, as the directors shall from time to time think proper.

Power to col-
lect back
charges.

50. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Commence-
ment and com-
pletion.

51. The said railway shall be commenced within three years and completed within five years after the passing of this Act; and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Amalgama-
tion with any
other company
forbidden.

52. It shall not be lawful for the said company to amalgamate with or lease or sell to or make pooling arrangements with any other railway company.

SCHEDULE A.

(Section 9.)

Know all men by these presents, that I (or we) [*insert the names of the vendors*] in consideration of dollars paid to me (or us) by the Toronto, Hamilton and Buffalo Railway Company, do grant and convey (or release) unto the said company all that (or those) certain parcel or tract

tract of land situate [*insert description of property*], the same having been selected by the said company for the purposes of their railway, to hold the same unto the said the Toronto, Hamilton and Buffalo Railway Company, their successors and assigns, and to their use forever (*or as the case may be*) [*here insert any other clauses, covenants or conditions required*], and I (*or we*) the wife (*or wives*) of the said
do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)
this day of one thousand
eight hundred and

Signed, sealed and delivered }
in presence of } [L.S.]

CHAPTER 76.

An Act Respecting the Toronto and Nipissing Eastern Extension Railway Company.

[Assented to 25th March, 1884.]

WHEREAS the Toronto and Nipissing Eastern Extension Railway Company have petitioned for certain amendments to their Act of incorporation, passed in the forty-third year of Her Majesty's reign, chaptered sixty-seven; and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said company is hereby changed from that of "The Toronto and Nipissing Eastern Extension Railway Company" to that of "The Irondale, Bancroft and Ottawa Railway Company."

Name changed.

2. The capital stock of the said company shall consist of one thousand shares of one hundred dollars each, instead of four thousand shares of twenty-five dollars each, as provided by the Act of incorporation of said company.

Number and amount of shares changed.

3. Section eleven of the said Act, passed in the forty-third year of Her Majesty's reign, and chaptered sixty-seven, is hereby amended by striking out the word "twenty" therein and inserting the word "five" in lieu thereof.

43 Vic., c. 67, s. 11, amended. Qualification of directors.

Bonds may be issued for \$20,000 per mile.

4. The said company shall have power to issue bonds, subject to the provisions of the thirtieth section of the said Act, to the extent of twenty thousand dollars per mile of their railway

Company declared to be an existing corporation.

5. The said Toronto and Nipissing Eastern Extension Railway Company is hereby declared to be, at the time of the passing of this Act, an existing corporation.

Time for building road extended.

6. The time for the building and completion of the said railway is hereby extended to the first day of January, 1887.

Rights of creditors preserved.

7. Nothing in this Act contained shall in any way interfere with the rights or remedies of any creditors of the said Toronto and Nipissing Eastern Extension Railway Company, but all such rights and remedies shall continue and may be maintained against the said Irondale, Bancroft and Ottawa Railway Company.

CHAPTER 77.

An Act to authorize the Toronto Street Railway Company to issue mortgage debentures, and for other purposes.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the Toronto Street Railway Company has by its petition prayed that an Act may be passed, enabling the said company to issue mortgage debentures, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. It shall and may be lawful for the said Toronto Street Railway Company, with the consent of a majority representing two-thirds in value of the shareholders therein, present in person or by proxy, at a meeting specially called for that purpose, to make and issue from time to time debentures to an amount not exceeding six hundred thousand dollars, payable at such time and place and bearing such rate of interest as the said company by such majority as aforesaid may determine, and such debentures shall, without registration or formal mortgage or conveyance, be a charge upon the said railway, its rolling stock, equipments and motive power thereto belonging, and upon the lands, tolls, revenues and other property of the said company, for the due payment of the amounts

amounts payable by virtue of such debentures and the interest thereon; and each holder of any of such debentures shall be deemed to be a mortgagee of the said railway, appurtenances, lands, tolls, revenues and other property *pro rata* with the other holders of such debentures.

2. Upon and after the issue by the said company of the said debentures under this Act, all bonds or debentures heretofore issued by the said company under any former Act, whether of the late Province of Canada or of this Province and outstanding, shall be called in, redeemed and cancelled, and the said bonds and debentures so called in shall, when delivered up, no longer form a charge on the said railway, its rolling stock, equipments, or motive power thereto belonging, or upon the lands, tolls, revenues or other property of the said company, or be of any force or effect; provided however, that in the event of the said existing bond-holders or debenture-holders failing to deliver up the bonds held by them, the said company shall issue and reserve a sufficient amount of the debentures authorized to be issued by this Act, to meet and pay the said bonds or debentures not so delivered up by the holders thereof as aforesaid to be cancelled, and the interest thereon.

On issue of debentures under this Act all outstanding debentures to be redeemed and cancelled.

Proviso.

3. The debentures to be issued under this Act shall be under the seal of the company and shall be signed by the President of the company, and counter-signed by the Secretary, and the said debentures and the coupons attached thereto providing for the payment of the interest thereupon, may be issued payable to bearer at such place or places as may be deemed advisable, and shall be transferable by delivery, and such transfer shall vest the property of such debentures in the holder thereof so as to enable him to maintain an action thereon in his own name.

Particulars as to debentures.

4. The said debentures may be made either perpetual or terminable, and may be made, executed and issued in such form as the said company, with the consent provided for in the first section hereof, may determine.

Debentures may be either perpetual or terminable.

5. None of said debentures shall be made for any sum less than one thousand dollars, and the said company may either issue the whole of said debentures at one time, or may issue the same from time to time, as may be determined upon, with the consent provided in the first section hereof.

No debenture to be less than \$1,000.

6. The said company may from time to time and at any time sell, hypothecate or pledge any of the said debentures to be issued under the provisions of this Act, subject to the restriction hereinbefore provided as to reserve for outstanding debentures of other issues, and may apply and use the proceeds for the benefit of the said company as they see fit.

Power to mortgage debentures.

CHAPTER 78.

An Act respecting the Yorkville Loop Line Railway Company.

[Assented to 25th March 1884.]

Preamble.

WHEREAS the Yorkville Loop Line Railway Company have by their petition represented that owing to various causes they have been unable to proceed with the construction of their railway, and they have prayed that the time for the commencement and completion of their railway may be extended, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement extended for 5 years, and for completion for 8 years.

1. The time for the commencement of the construction of the said Yorkville Loop Line Railway Company's railway and works is hereby extended for five years from the passing of this Act, and the time for completion is extended for eight years from the passing of this Act, anything in any statute heretofore passed to the contrary notwithstanding.

Bridge or subway to be built at Yonge Street Crossing.

2. The said Company shall, at the point where the said railway crosses Yonge Street, build or construct a railway bridge over, or a subway under, the said street for the use of their trains in crossing the said street.

Bridge or subway to correspond with that of O. & Q. Railway.

3. Such railway bridge or subway shall be built or constructed similar to the railway bridge or subway that may be hereafter constructed by the Ontario and Quebec Railway Company for the use of their trains in crossing the said street; provided always, that the said Company shall not be liable to build or construct either the said railway bridge or subway unless the Ontario and Quebec Railway Company shall construct a railway bridge or subway at the point where their railway crosses the said street.

Proviso.

CHAPTER 79.

An Act to amend the Act to transfer the securities of the Anglo-Canadian Mortgage Company to the Omnium Securities Company (Limited).

[Assented to 25th March, 1884.]

WHEREAS by an Act of the Legislature of the Province of Ontario passed in the forty-fourth year of Her Majesty's reign and chaptered forty-nine, it was provided in the fourth section thereof, that John F. Wood, George Roach, A. G. Ramsay and Lyman Moore, Esquires, should be a committee for the purpose of protecting the debenture-holders and depositors therein named with the powers and duties therein set forth; and whereas the said the Omnium Securities Company (Limited) have petitioned for an Act amending the said Act by providing for the retirement of the said committee, and for the appointment of one or more person or persons in their room and stead, and also providing for the retirement, resignation, or death of such last named person or persons, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for John F. Wood, George Roach, A. G. Ramsay and Lyman Moore, the committee named in the said fourth section of the said Act, or the survivor or survivors of them, at any time to retire from and be discharged from their duties as members of the said committee upon giving notice in writing, signed by each of them, addressed to Valancey E. Fuller, Esquire, the solicitor in Canada of the said company, resident in Hamilton, and to Messrs. Fraser, Stodart & Ballingall, Writers to the Signet, Edinburgh, Scotland representing the debenture holders mentioned in said Act, of their intention so to do.

Retirement of members of committee appointed by 44 V., c. 49, s. 4.

2. After the receipt of the said notice it shall be lawful for the said the Omnium Securities Company (Limited) by instrument in writing under their corporate seal, to nominate and appoint two or more persons in the room and stead of the said committee, and they shall thereupon give notice of such appointment to the said Fraser, Stodart & Ballingall, but such appointment shall not have any force or effect until the consent and approval of the said Fraser, Stodart & Ballingall, shall have been given thereto, and such appointment and consent deposited in the office of the Provincial Secretary, and upon such appointment being so made and deposited, the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore shall be deemed

Mode of appointment of new committee.

deemed to be discharged, and the name or names of the persons so appointed shall be substituted in their place, under said Act, with the same powers, duties and authority, and such persons and the survivor or survivors of them shall form the committee as if he or they had been originally named in said Act.

Provision for appointment, in case no appointment made under preceding section.

3. Should no such appointment as in the second section provided for be made and deposited within three calendar months after the service of the notice to be given under the provisions of the first section of this Act, the said the Omnium Securities Company (Limited) may, within thirty days after the expiry of the period of three months so limited, apply to the Chancery Division of the High Court of Justice of the Province of Ontario, or a Judge thereof, for the appointment of two or more persons in the room and stead of the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore as such committee, and such appointment shall thereupon be made and a duplicate of the order making such appointment shall, with all convenient speed, be deposited in the office of the Provincial Secretary, and notice thereof published once in the *Ontario Gazette*, and thereupon the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore shall be thenceforth discharged from the position and duties of such committee, and the persons named in such order shall thenceforth be such committee, in the place and stead and with the like powers, duties and authority as are vested in or imposed on the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore under the said Act.

Application for new appointment by members of committee.

4. Should the said Omnium Securities Company (Limited), within the limit of the said thirty days referred to in the third section of this Act, fail to make application to the said High Court of Justice for the appointment of two or more persons as a committee in the room and stead of the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore, the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore may apply to the Chancery Division of the High Court of Justice or a judge thereof for a similar order as under the provisions of section three for the appointment of two or more persons in the room and stead of the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore as such committee, and such appointment shall thereupon be made and a duplicate of the order making such appointment shall, with all convenient speed, be deposited in the office of the Provincial Secretary, and notice thereof shall be published once in the *Ontario Gazette*, and thereupon the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore shall be thenceforth discharged from the position and duties of such committee, and the persons named in such order shall thenceforth be said committee in their place and stead, with the like powers, duties and

and authorities as are vested in or imposed upon the said John F. Wood, George Roach, A. G. Ramsay and Lyman Moore.

5. The costs of such last-named application, deposit, and publication shall be borne and paid by the said company. Costs of application.

6. The members of the committee so appointed, and any future committee, shall have power to retire and be discharged from their duties as a committee by the like proceedings as by this Act provided as to the now existing committee. New committee may be discharged in same manner as existing committee.

7. On the death of all the members of the present or any future committee the provisions of sections two and three hereof shall apply to the appointment of the committee in its place. Appointment on death of all members of committee.

8. The provisions of this Act shall not apply after the objects of said committee have been satisfied. Application of Act.

CHAPTER 80.

An Act to reduce the capital stock of the English Loan Company, and for other purposes.

[Assented to 25th March, 1884.]

WHEREAS the English Loan Company, incorporated by Preamble. letters patent dated the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, has sustained certain losses whereby the capital of the said company has become impaired, and the actual value of the stock much reduced; and whereas the shareholders of the said company have authorized an application for a special Act to be made to the Legislative Assembly of the Province of Ontario enacting that the sum of seventy thousand dollars, a sum sufficient to cover such losses, may be written off the paid-up capital of the said company in the following manner, namely, three dollars off each existing share, and the balance necessary to make up the said sum of seventy thousand dollars in the proportion of so much per centum on the amount paid upon stock by each shareholder respectively, and that the several issues of stock in the said company may be placed on the same basis by concentrating the moneys remaining paid on stock by each shareholder respectively after the writing off of the said sum of seventy thousand dollars into paid-up shares of the nominal or par value of one hundred dollars each, and that the balance of existing shares may be cancelled, and that

that the qualification of directors may be altered, and that certain amendments may be made to the charter of the said company and to the Act passed in the forty-third year of Her Majesty's reign, chaptered seventy-six; and the said company have by their petition prayed that the said Act may pass and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Capital Stock
reduced by
writing off
\$70,000.

1. The sum of seventy thousand dollars is hereby written off the paid-up capital of the said the English Loan Company, in the following manner, three dollars off each existing share, and the balance necessary to make up the said sum of seventy thousand dollars in the proportion of so much per centum on the moneys paid in upon each share respectively, and in such calculation every existing share on which less than ten per centum has been paid shall bear its proportion of such balance as though such ten per centum had been paid.

Mode of allot-
ting shares
after loss writ-
ten off.

2. After the writing off as aforesaid of the said sum of seventy thousand dollars, the amount remaining paid upon stock by each shareholder respectively shall be ascertained, and for each and every one hundred dollars so remaining each shareholder shall be entitled to one share fully paid-up in the said capital stock of the nominal or par value of one hundred dollars: Provided that in the event of the amount so remaining paid upon stock by any shareholder being less than the sum of one hundred dollars, or in the event of there being after the allotment of a share or shares of one hundred dollars each a sum of less than one hundred dollars remaining to the credit of any shareholder, then and in every such event such shareholder shall be entitled to one share in the said capital stock of the nominal or par value of one hundred dollars with the sum or balance so ascertained as aforesaid paid thereon, and such shareholder shall have the privilege at any time of paying up such share to the full amount of one hundred dollars.

Non-liability
to further calls
by reason only
of reduction.

3. No share of the said capital stock shall be liable to any further call by reason only of the reduction hereby made.

Existing
shares extin-
guished.

4. Except for the purposes hereinbefore set forth, the existing shares of the said stock are hereby extinguished; but this section shall not affect any action now pending.

All distinc-
tions between
the several ex-
isting issues
of stock
abolished.

5. All distinctions or differences between the several issues of stock which have been created and now exist, are hereby abolished, and the shares to be allotted to the several shareholders after the said reduction are hereby placed on the same footing.

6. At the time of the making of any new issue of stock the directors shall fix the amount to be called in upon the same; Calls on new issues of stock. the said amount so to be called in shall not be less than ten per centum of each share of such stock, but notwithstanding any provision or condition in the letters patent incorporating the said company, or in the Act passed in the forty-third year of Her Majesty's reign chaptered seventy-six, the directors may, subject to any by-law of the company which may be hereafter passed, call in the full amount remaining unpaid on each share of such stock.

7. From and after the passing of this Act every shareholder shall be entitled to as many votes as he holds shares in the company, but no shareholder being in arrear in respect of any call shall be entitled to vote at any meeting. Votes.

8. The qualification of directors and the eligibility of shareholders to be elected to or continue in the position of directors shall be the holding absolutely in their own right of at least twelve unencumbered shares with twelve hundred dollars paid thereon. Qualification of directors.

9. A new register of the shareholders of the said company shall be prepared in accordance with the provisions of this Act. New register of shareholders.

10. Nothing herein contained shall prejudice any claim of creditors of the said company, but so far as the claims of existing creditors (if any) of the said company are concerned, the liability of shareholders shall continue as if this Act had not been passed. Rights of creditors preserved

CHAPTER 81.

An Act to amend the Acts respecting the Napanee River Improvement Company.

[Assented to 25th March, 1884.]

WHEREAS the Napanee River Improvement Company have petitioned for the amendment of the Acts relating to their incorporation and the powers granted to said company; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Save as otherwise provided in this Act, the said the Napanee River Improvement Company shall have the right to enter Power to enter on lands.

enter upon any lands they may deem necessary to be examined, and to procure an examination and survey of the same, doing no unnecessary damage, and paying for the actual damage done, if any; and, for the purpose of acquiring such lands, and determining the compensation to be paid therefor, shall be entitled to proceed in every respect in the manner directed by chapter one hundred and fourteen of the Revised Statutes of Ontario.

Restrictions
imposed by
R. S. O. c. 114
modified.

2. Notwithstanding anything contained in said *Act respecting Water Privileges*, the company may acquire, under the proceedings mentioned in said Act, any area of land which may be necessary for the purposes of the company, and may acquire, with the consent of the owners, any existing mill privileges or dams, or may enter into any agreement with the owners for the regulation of the use of any dam or mill privilege for the purposes of the company.

Appointment
of assessors
and mode of
assessment.

3. The members of the company at a special meeting, which shall be held within one month from the passing of this Act, of which due notice shall be given by the directors, and thereafter at the regular annual meeting of the company shall appoint an assessor or assessors, not exceeding three, who are empowered to assess the several mills and water privileges on the Napanee River and its tributaries, that have used the waters of the said river or its tributaries, between the fifteenth day of June and the first day of December of the previous year, at their actual cash value as going concerns, but shall omit from assessment any part of a mill or machinery not driven by water power during some portion of the year; and any storeroom or warehouse not being part of a mill or manufacturing property, shall also be omitted from the assessment, provided, that in the appointment of assessors no member shall be entitled to more than one vote.

Appeals
against assess-
ment.

4. Any member of the company shall have the right of appeal, as well against his own assessment as the assessment of another member, in the first instance to the board of directors at a meeting for hearing appeals, on the first Wednesday in May of every year, and the decision of the said directors, or a majority of them, shall be final, subject to any such assessment being increased, confirmed or reduced on appeal from the decision of the said board to the judge of the County Court within whose jurisdiction the assessed property shall be situate, and the said judge shall hear and determine such appeals, after notice thereof to the secretary of the company in the manner required in case of appeal from municipal assessments, and such judge may fix the time and place for hearing such appeal, and may confirm, increase or diminish the assessment, and his decision shall be final.

Judge's fees.

5. There shall be paid to the judge for hearing and determining

mining said appeal a fee of four dollars, to be taxed against the unsuccessful party, with the cost of attendance of witnesses and the parties or their agents, on the scale of Division Court costs.

6. Subject to the other provisions and exceptions contained in this Act, there shall be levied by way of assessment of the said mills and mill privileges an annual rate not exceeding two cents in the dollar, which may, on the lapse of fourteen days after demand in writing has been made for the payment thereof, be recovered by the company from the tenants, occupants, or owners of said mills or mill privileges, as the case may be, in any Division Court, or other court of jurisdiction competent to deal with the amount of the rate so levied, or in default of payment, the amount of such rate may be collected in the same manner as rents, by distress warrant signed by the president of the company; and in default of payment there shall be a charge or lien for such rates upon the assessed property with interest from the time when the same shall have become due; but no charge or lien for such rates shall continue in force unless within thirty days after the expiration of the said fourteen days a certificate under the seal of the Company be registered in the Registry Office of the county in which the property to which the assessment relates is situate, which certificate shall set forth the amount of such rates and a description of the assessed property charged therewith, and upon payment or discharge of the said rates a certificate of such payment or discharge, under the seal of the Company, shall in like manner be registered, and for registering each such certificate the registrar shall be entitled to a fee of twenty-five cents.

7. The company may, at any time after three months from the making of the demand required by the next preceding section of this Act take proceedings in any court of competent jurisdiction, to have the lien or charge for any rate or portion of any rate in arrear enforced against the assessed property by sale thereof in such manner as the court shall deem proper to direct.

8. The Company is authorized to sell or demise any of its property acquired under the authority of this Act, and any such sale or demise may be made subject to such conditions and covenants as to use of the property as may be deemed necessary for the Company's purposes.

9. Any Joint Stock Company subject to assessment under this Act may appoint one of their shareholders as their representative, who shall be entitled to vote at meetings of the said the Napanee River Improvement Company, and shall be eligible for election as a Director of the said Company.

Repeal.

10. The Provisions of the Act of the Parliament of Canada, passed in the 29th and 30th years of the reign of Her Majesty Queen Victoria, chaptered 84, intituled "*An Act for the Improvement of the Napanee River*," and the provisions of the Act of the Legislature of the Province of Ontario, passed in the 34th year of her Majesty's reign, intituled "*An Act to amend the Act Incorporating the Napanee River Improvement Company*," which are inconsistent with the provisions of this Act, are hereby repealed.

Short title

11. This Act may be cited as "*The Napanee River Improvement Company's Act, 1884*."

CHAPTER 82.

An Act to incorporate the Niagara Falls Water Works Company.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS Zenas Beach Lewis, and others, have by their petition set forth that one Samuel Zimmerman, in his lifetime, constructed, and was possessed of a certain franchise, known as the Clifton Water Works, and that the same is now possessed by the petitioners, who with their predecessors in title have operated the same for the past thirty years, and representing that it is desirable to give the said petitioners an Act of incorporation to better enable them to operate their said works in a more efficient manner, and to acquire rights of way for the purpose of extending their street services to the village of Niagara Falls, and the township of Stamford, as well as to enlarge and extend the same in the town of Niagara Falls, and praying for an Act accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Zenas Beach Lewis, William Hugh McClive, Ellen P. Lewis, Flora E. B. Lewis, Joseph G. Cadham, Benjamin Spencer and Francis LeBlond, together with such other persons as shall become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by and under the name of "*The Niagara Falls Water Works Company*."

Power to construct water-works.

2. Subject to the provisions of this Act, the said Company shall have power, with the consent of the council of the municipality

cipality, to construct, build, purchase, improve, extend, hold, maintain, manage and conduct water-works, and all buildings, materials, machinery and appurtenances thereto belonging, in the municipalities of the Town of Niagara Falls, the Village of Niagara Falls, and the Township of Stamford, and the neighbourhood thereof.

3. The *Revised Statute respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, and the *Act to extend the powers of companies for supplying Cities, Towns and Villages with Gas and Water*, passed in the forty-fifth year of Her Majesty's reign, chapter 18, and all Acts amending the said Acts are hereby incorporated with this Act, and, save as herein otherwise provided, shall apply to the said Company as if the said Company had been formed under the provisions of the said Revised Statute.

R. S. O. c. 157,
45 V. c. 18, to
apply to
company.

4. The said company may pass by-laws for laying down in, through, across, under, or along the railway and lands of any railway company, in respect of which this Legislature has authority in this behalf, any main pipe belonging or necessary to any water-works which the said company is authorized to construct, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose, but subject to the terms and restrictions contained in the *Railway, Streets, and Drains Act, 1882*.

Pipes may be
carried across
railways.

5. (1) All service pipes which may be required shall be constructed and laid down up to the outer line of the street by the said company, and the said company shall be solely responsible for keeping the same in repair.

Service pipes.

(2) In all cases where a vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken, the company may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the company or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing, as hereinafter provided, of such service pipes if laid or repaired by the company (except the repairing of the service pipes, from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the company) or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the company, or if not so paid, may be collected forthwith in the same manner as water-rates: Provided, that in no case shall the said expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, exceed one dollar.

6.

Service pipes
to be under
control of
company.

6. (1) The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the company, shall be under their control, and if any damage is done to this portion of the service pipe or its fittings, either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the company; and in default of his so doing, whether notified or not, the company may enter upon the lands where such service pipes are, and by their officers, servants, or agents, repair the same, and charge the same to the owner of the premises, as hereinbefore provided.

(2) The stopcock placed by the said company inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent the flooding of the premises.

(3) All parties supplied with water by the said company may be required by the said company to place only such taps for drawing and shutting off the water as are approved of by the company.

Inspection of
premises.

7. Any person authorized by the said company for that purpose, shall have free access, at proper hours of the day, and upon reasonable notice given and request made, to all parts of every building or other premises in which water is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of any such meter, may set or alter the position of the same or of any pipe, connection or tap, and may fix the price to be paid for the use of any such meter, and the times when and the manner in which the same shall be payable, and may also charge for and recover the expenses of such alterations; and such price and the expense of such alterations may be collected in the same manner as water-rates: Provided always, that nothing herein contained shall be construed as giving any power or authority to convey or shut off from the premises of any person not in arrear for water-rates any water already appropriated and necessary for his domestic use, without the consent in writing of the owner or owners thereof first had and obtained.

Proviso.

Power to
regulate dis-
tribution and
use of water
and price
thereof.

8. (1) The Company shall regulate, subject to the proviso hereinafter mentioned, the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices, subject as hereinafter mentioned, for the use thereof and the times of payments. Such prices in the Town of Niagara Falls not to exceed, except with the consent by by-law of the Council of said Town

Town of Niagara Falls, the following rates: For private houses, one tap, six dollars, each additional tap two dollars; for lawn sprinklers two dollars for the first one thousand superficial feet of lawn and one dollar for every additional one thousand superficial feet of lawn; for one tap for horse or cow for private use, one dollar, and for each additional horse or cow tap, fifty cents.

(2) Hotel rates for hotels containing from fifteen to thirty rooms, to be charged for at least two taps whether used or not (exclusive of those put in bar-room and wash-room), at twelve dollars each; any number of taps in either of such-mentioned rooms to count as one tap, each of which shall be six dollars, and any additional taps in such hotel to be six dollars each. The rates for hotels containing less than fifteen rooms to be charged for at least two taps, for first tap, twelve dollars, and each additional tap, six dollars, and taps in bar-rooms or wash-rooms to be at the same rate.

(3) The Town of Niagara Falls shall be supplied with water for all town purposes at the rate of seventy-five dollars per annum, and shall pay in addition to above for each tank hereafter constructed in said town the sum of ten dollars annually for water supplied by said Company.

(4) In case the water works be so improved as to give a pressure for fire purposes, and hydrants are put in, the rates for such supply shall be fixed by agreement or arbitration of one person who shall be appointed by the County Judge of the County of Welland.

9. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of action first arose. Limitation of action.

10. The stock of the said company shall be fifty thousand dollars, in shares of fifty dollars each, and the present value of the franchise of the said company together with all their property, rights, and privileges, shall be taken to be and shall be considered as payment in full of one half of each share of said stock. Capital stock

11. The said Company shall have power from time to time to make calls upon the said stock, for the residue of one half remaining unpaid thereon at intervals of not less than three months, and in sums of not more than ten dollars per share on each call, and from the money so realized, and from the yearly revenue of the said company, but subject always to the other provisions of this Act, to extend their mains to the several streets of the village of Niagara Falls, and in the township of Stamford, as well as to the several streets of the Calls.

Extension of mains.

the town of Niagara Falls, and to increase the size of their present pump, pump-house and mains, as and when they may deem expedient, and to do all such acts and to acquire all such real estate and rights of way as may be necessary to make the present works fully efficient for supplying with water from the Niagara river, the said town and village of Niagara Falls.

Power to
mortgage.

12. The said Company shall have power to mortgage their said franchise and property for a sum equal to one half of the amount paid up on the said stock, to be repayable in equal yearly payments, extending over a period of not more than twenty years, with a proviso that the same may be paid off with accrued interest at any time, on six months' notice, by the said company or their successors, and the mortgagee or mortgagees shall, by their mortgage, have vested in him or them, his and their heirs and assigns, subject to all the provisions, duties, liabilities and conditions contained in this Act all the franchise, estate, property and rights of the said company, with full power in case of default in payment of principal or interest, to foreclose their said mortgage or sell the franchise and estate of the said Company under power of sale to be contained in said mortgage or enter into possession thereof and operate the same to the same extent as the said Company.

Directors.

13. The affairs of the said Company shall be managed by five Directors, and the said Zenas Beach Lewis, William Hugh McClive, Ellen P. Lewis, Flora E. B. Lewis, and Joseph G. Cadham, shall be the first Directors of the said Company, of whom the said Zenas Beach Lewis shall be the President, and five Directors shall be elected annually hereafter on the second Monday in each and every year, the present Directors being eligible for re-election, and the said Directors or their successors elected as aforesaid, shall hold office until such election be duly had.

Municipalities
may purchase
works.

14. The Town of Niagara Falls may purchase and acquire from the said Company, its successors or assigns, the said water works and all the franchise rights and privileges of the Company at any time on or before the first day of September, A.D. 1884, upon the said town paying therefor to the said Company, its successors or assigns, the price or sum of seventeen thousand dollars, and such additional sum as shall have been expended thereon on capital account, the same to be paid in debentures of the said town, bearing interest at five per cent. per annum and extending over a period of seventeen years if so desired by said town, but nothing herein contained shall affect the provisions of section 3 of the Act passed in the forty-fifth year of Her Majesty's reign, chapter 18, which shall also apply to the said Company.

Rights of
municipality
purchasing.

15. In the event of such purchase being made as aforesaid,
the

the said town shall have all the rights and privileges conferred upon the said Company by this Act, and the further power of imposing such charges for the use of water to consumers thereof as are conferred upon municipalities by *The Municipal Water Works Act, 1882*, and it shall not be necessary for the said town to apply to the Legislative Assembly of Ontario for an Act to legalize the said purchase.

16. Nothing in this Act hereinbefore contained shall extend, apply, refer to or be deemed to interfere with or prejudice the rights, powers, franchises, lands and properties of the Erie and Niagara Railway Company, or the Canada Southern Railway Company, or to interfere with or prejudice the relations, rights, liabilities or remedies now existing between the said Railway Companies or either of them, and the persons hereinbefore named or Company hereby incorporated or either or any of them.

Rights of Erie and N. Railway and Canada Southern Railway Company preserved.

17. The Company hereby incorporated shall have power from time to time to relay, put down or enlarge the supply or pumping main at Range 10, Falls Company's lands in the Township of Stamford now existing and being under the line of the Canada Southern Railway Company, or any other supply or pumping main in lieu of that now existing, but the powers hereby conferred shall be exercised only in accordance with and in the manner and with the restrictions contained in *The Railway, Streets and Drains Act, 1882*, and as if said company were a council of a municipality within the meaning of the said Act: Provided that the powers hereby given shall not interfere with the right of the said Canada Southern Railway Company or its successors to reconstruct or alter its line of railway as it may consider necessary, and for such purposes to depress such supply or pumping main as may be necessary for the performance of such work.

Power of company as to relaying, etc., pumping main under Canada Southern Railway lands.

18. Nothing in this Act contained shall affect any pending litigation.

Pending litigation not affected.

CHAPTER 83.

An Act to amend the Charter of Incorporation of the Ontario Methodist Camp Ground Company.

[Assented to 25th March, 1884.]

WHEREAS, under the provisions of the Ontario Joint Stock Companies' Letters Patent Act, a charter was granted by the Lieutenant-Governor in Council incorporating "The Ontario Methodist Camp Ground Company;" and whereas the said company have petitioned for an Act to enable them to

Preamble.

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issue

issue debentures to a limited amount, and for other powers not conferred by their charter ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Issue of debentures authorized.

1. It shall and may be lawful for the board of directors of the said company from time to time, and the board is hereby empowered under the authority of a by-law of the board from time to time passed, to issue from time to time, for the purposes of the company, debentures to be called preferential debentures executed by the president for the time being of the company and countersigned by the secretary of the company, payable to bearer at such times and places and bearing such rate of interest, and payable in such manner and either at one time or at different dates, as may be stated in the by-law authorizing such issue, and which debentures and interest shall without registration or other formal conveyance be taken and considered to be first preferential claims and charges upon all the real and personal property, rights and credits of the company then existing or at any time thereafter acquired, and upon all the tolls and revenues of the company during the currency of such preferential debentures, and each by-law authorizing such issue shall state the total amount of preferential debentures to be issued under such by-law, and each holder of said preferential debentures shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders of preferential debentures issued under and by virtue of the same by-law upon all such real and personal property, rights, credits, tolls and revenues of the company ; provided always, that except for the purpose of redeeming or renewing debentures issued under a former by-law, it shall not be lawful for the company to pass a second or other by-law for authorizing the issue of debentures to be charged on its property, rights, credits, tolls, and revenues, already charged with debentures issued under a previous by-law, until it shall have paid and satisfied all outstanding debentures charged on such property, rights or credits by said previous by-law, or shall have obtained the consent in writing of all the holders of debentures theretofore issued by the said company : Provided, that the powers to issue debentures hereby conferred are to be taken and considered as substituted for any powers to issue debentures now possessed by said company under the provisions of the Act mentioned in the preamble hereto.

Proviso.

Proviso.

Assignment and payment of debentures.

2. The said preferential debentures may be in sums of not less than fifty dollars each and shall be assignable by delivery and may also be sold, pledged or hypothecated ; and payment of any of such debentures or the interest thereon by or on behalf of the company to any person having actual possession thereof shall be a good and valid payment.

3. Provided always, that if the said company has, under any powers contained in the Act mentioned in the preamble hereto, issued any debentures then and in such case no preferential or other debentures shall be issued under the provisions of this Act, unless and until the consent in writing of all the holders of any debentures firstly mentioned in this section shall be given for the issue to be made, or proposed to be made, under this Act.

Rights of existing debenture holders protected.

4. The said company is also empowered to lease or purchase, take and hold, in addition to the land already acquired by it such additional land in the Township of North Grimsby not exceeding in the whole one hundred acres, as the directors may deem advisable and to improve and embellish the same and sell, lease or otherwise dispose of the same in lots or otherwise.

Power to acquire lands.

5. The directors of the said company, if they see fit at any time and from time to time, may make a by-law for increasing the capital stock of the company to any further amount, not exceeding fifty thousand dollars beyond the amount of its present capital stock, which they may consider requisite for the due carrying out of the objects and extended powers of the company; such by-laws shall declare the number and value of the shares of the new stock and may prescribe the manner in which the same is to be allotted, and in default of their doing so the control of such allotment shall be held to vest absolutely in the directors, but no such by-law or by-laws shall have any force or effect unless sanctioned by three-fourths in value of the shareholders present at a general or special meeting of the shareholders of said company, nor shall any such by-law require to be confirmed by supplementary letters patent.

Increase of capital.

6. The said company is hereby further empowered to impose upon and collect from any person seeking an entrance into the premises occupied by the company, and those claiming under the company, an admission fee, the amount of which shall be fixed by a by-law of the said company, but the payment of such admission fee or the receipt thereof by the company shall not be held to prevent the company from excluding or ejecting any person from the said premises for behaving in an unruly or disorderly manner.

Fees for admission to grounds.

7. The said company may, with the sanction of three-fourths in value of the shareholders, grant a bonus out of the funds of the company to any railway company, street railway or tramway, erecting a station in or convenient to the company's premises.

Bonus to railway company, etc., erecting a station on or near grounds.

8 So far as the Legislature of Ontario has power to enact, the company shall have full power to erect and maintain

Power to build wharves and to run and use steamboats.

tain wharves adjacent to their grounds and to charter or purchase and run passenger steamboats in connection therewith.

Company and township may make agreement for closing up highways adjacent to company's premises.

9. It shall be lawful for the said company and the municipality of the Township of North Grimsby to enter into any agreement for closing up any public highway adjoining the premises of the said company in pursuance of a by-law in that behalf to be passed by the council of said municipality; but before passing such by-law the said council shall in respect of such by-law comply with all the provisions of section 546 of the *Consolidated Municipal Act, 1883*, and said by-law shall be considered and taken to be a by-law within the said section.

CHAPTER 84.

An Act to incorporate the Toronto Tenement Building Association.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the persons hereinafter named by their petition represent that with the view of purchasing lands in the city of Toronto in localities therein thickly populated, for the purpose of building houses and tenements thereon, with modern conveniences and sanitary appliances, for the occupation specially of the mechanical and other industrial classes, they propose to form an association with power to deal in lands, houses, and tenements in the said city; and whereas the said petitioners have prayed that they and all others subscribers to stock or shares therein may be incorporated; and in consideration of the objects aforesaid and the public benefit to arise therefrom it is expedient to grant their prayer;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William F. McMaster, John Leys, James Jolliffe, Henry Hutchinson, David Millar, John Edgar, William H. Doel, John S. King, M.D., Slade Robinson, M.R.C.S., F. G. Holmes, M.D., E. J. Barwick, M.D., H. H. Wright, M.D., Charles Archibald, M.D., R. B. Nevitt, M.D., D. G. Oliphant, M.D., J. Baxter, M.D., James Beaty, M.P., Robert Hay, M.P., John Small, M.P., A. R. Boswell, John B. Hall, M.D., John Hallam, George D. Morton, M.D., John Turner, Sidney S. Hamilton, Hugh Miller, Samuel Platt, Robert Swan, J. P. Russell, M.D., Allen Baines, M.D., L.R.C.P., A. A. Macdonald, M.B., L.R.C.P.&S., S.B. Pollard, M.D., J. W. Lesslie, M.D., Frederick W. Strange, M.D., Frederick L. M. Grasett, M.B., J. Algernon Temple, M.D., M.R.C.S.,

C.S., J. T. Knott, M.D., M.R.C.S., John Hall, M.D., A. H. Wright, M.B., F. Krauss, M.D., T. W. Machell, M.B., W. B. Geikie, M.D., J. B. Gullen, M.B., W. T. Stuart, M.D., T. Hamilton Evans, M.D., John E. Kennedy, M.D., B.A., John Ferguson, B.A., M.D., L.R.C.P.&S., Wm. Nattress, M.B., M.R.C.S., J. H. Burns, M.B., W. T. Wagner, M.B., P. A. Constantinides, M.D., M.R.C.S., J. E. Graham, M.D., Alex. Wheeler, A. McPhedran, M.B., G. B. Smith, M.B., J. Fulton, M.D., M.R.C.S., L.R.C.P., W. S. Oliver, M.D., F.K., C.S.I., A. J. Geikie, M.D., C.M., Samuel E. McCully, M.D., Prof. S. Vernoy, W. H. Morehouse, M.D., Bruce S. Riordan, M.D., Alex. Davidson, M.D., James C. Hamilton, James McCullough, M.D., Joseph Rogers, J. C. Clapp, M.D., Thomas Woodhouse, James H. Rogers, Charles Pilly, Kenneth A. Miller, W. S. Broughton, Chas. E. Blachford, John Harvie, William Ashall, Thomas R. Bains, J. R. Foster, J. M. Hamilton, Thos. Kennedy, jr., and Charles Page, together with all such other persons as shall become shareholders in the association hereby constituted shall be and they are hereby made a body corporate and politic, by the name of "The Toronto Tenement Building Association."

2. The association shall have power to acquire and hold by purchase, gift, lease, exchange, or otherwise by any legal or equitable title, lands, houses, buildings, tenements, erections, and premises situated within the said city of Toronto, and power within said city to construct, erect, build, and maintain houses, buildings, tenements, or other erections, and to heat the same with fire, steam, water, or other reasonably safe and usual means, and to light the same with gas, electricity or other reasonably safe and usual means, and power to sell, convey, exchange, and dispose of the same or any part thereof, and to mortgage or charge with a lien the same or any part thereof, and to lease or let the same or any part thereof, or any rooms or apartments thereof, for a term of years or by the month or week, and with all the powers, rights, and incidents of landlords as between landlord and tenant, and with power to contract or agree for the sale or purchase of lands, or houses, or other erections, as aforesaid, as between vendor and purchaser, and to contract or agree with corporations or persons for any of the purposes aforesaid and as may be deemed advantageous for the said association.

Power to acquire lands to erect buildings and to lease same, etc.

3. The directors may from time to time borrow money at such rates of interest and upon such terms as they think proper, and may for the purpose of borrowing money execute any mortgages on their property or any part thereof, or issue bonds or debentures under the seal of the association for sums of not less than one hundred dollars each; provided that the aggregate of such bonds or debentures do not exceed the paid up capital of the association.

Borrowing powers.

4. The said association shall have power to lend its money on

Lending and other powers.

on security of mortgages on real estate or in the purchase of mortgages on real estate, or Dominion or Provincial Government bonds, debentures or stocks, or on municipal bonds or debentures, or in the purchase thereof on such terms and conditions and at such rates of interest or discount as may be deemed advantageous to such association; and power to sell or dispose of the same, or to mortgage or charge with lien the same or any part thereof to any corporation or person, and to convey, assign, or deliver the same for such purposes, and as may be deemed advantageous to such association, and the said association shall, save as otherwise provided by this Act, also have all the powers of a permanent building society as if incorporated under the *Act respecting Building Societies*, chapter 164 of the Revised Statutes of Ontario, and the Acts amending the same.

Power to alter
location of
streets.

5. The said association shall, subject to the provisions of section five hundred and forty-four of "*The Consolidated Municipal Act, 1883*," have power, with the consent by by-law of the council of the said city of Toronto, to change or alter the location of streets connected with or adjacent to or part of any described block of land in any case, and with said consent to open streets through lands of other owners or occupants, upon payment of compensation therefor by agreement with the owners thereof, but before passing such by-law the said council shall in respect of such by-law comply with all the provisions of section five hundred and forty-six of the said Act, and said by-law shall be considered and taken to be a by-law within the said section.

Capital stock.

6. The capital stock of the association shall be the sum of one million dollars, divided into shares of one hundred dollars each, and which said capital stock may from time to time be increased as the association may require, by a vote of the majority of the shareholders present or represented by proxy at a meeting of the shareholders called for the purpose as the by-laws may direct, to an amount not exceeding two million dollars in the whole, and such capital stock or money shall be applied in the first place to the payment of all commissions, liabilities, obligations, expenses, and disbursements connected with the promotion and organization of the association, and the preliminary expenses, and also making surveys, plans, and estimates in connection with the work herein authorized, and the remainder to the work herein authorized.

Enforcement
of payment
of calls.

7. The capital stock shall be paid by the shareholders as the directors of the association shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of seven per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with interest thereon after such demand or notice,

notice, as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote, reciting the fact duly recorded in the records, sue for the calls in arrear, or summarily forfeit any share whereon such payment is not made, and the same shall thereafter become the property of the association.

8. The stock of the association shall be deemed personalty and be assignable, and no transfer of any share shall be valid until entered in the books of the association according to such forms as the directors may from time to time appoint; and until the full amount of the shares subscribed shall have been paid up it shall be necessary to obtain the consent of the directors to such transfer: Provided always that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid to the satisfaction of the directors. Stock to be personal property.
Proviso.

9. The association shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any share or shares of its stock, or to which any deposit, or any other moneys payable by or in the hands of the said association, may be subject; and the receipt of the party or parties in whose name any such share, or shares, or moneys stand in the books of the association shall, from time to time, be sufficient discharge to the association for any payment of any kind made in respect of such share, or shares, or moneys, notwithstanding any trust to which the same may then be subject, and whether or not said association has had notice of such trust, and the association shall not be bound to see to the application of the money paid upon such receipt. Trusts.

10. At all meetings of the association every shareholder not being in arrears in respect of any instalment shall be entitled to vote, one vote for each share, and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder and is in conformity with the by-laws. Votes.

11. The stock, property, and affairs of the association shall be under the management of a board of five directors, or such number as the by-law may determine, one of whom shall be elected president and another of whom shall be elected vice-president by and amongst themselves, and three members of such board present in person shall be a quorum thereof; each of which directors shall be a shareholder and possess in his own right not less than twenty unincumbered shares of the capital stock of the said association, having not less than twenty per cent. paid up thereon, or such larger number of shares or such larger amount paid up on any such shares as by by-law approved at any regular meeting of the shareholders shall be required in that behalf, and the first directors under this Act shall be Arthur Radcliffe Boswell, Hugh Miller, James Beaty, Directors.

Beaty, Thomas Downey, and Robert Woods Prittie, and they shall hold office till the first general meeting of the shareholders, which shall take place at the city of Toronto at such time and place as they or a majority of them shall determine, and thereafter the directors shall be elected at a general meeting of the shareholders to be holden on the first Tuesday in February in each year, at such place and in such manner as the directors for the time shall direct and appoint, and the election shall be held and be made by a majority of such of the shareholders as shall attend either in person or by proxy, and such election shall be made by ballot; and if any director shall die, resign, refuse, or become incapable to act, or cease to be a director from any other cause, the remaining directors shall, if they think proper, elect in his place another shareholder to be a director, who shall hold office until the next annual meeting.

Company not dissolved on failure to elect directors at proper time.

12. In case at any time an election of directors shall not be made on the day herein appointed, the said association shall not on that account be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws, rules, and regulations of the said association, or the directors may determine by by-law for that purpose.

Powers of directors.

13. The board of directors shall have full power in all things to administer the affairs of the association, and to make all contracts which the association may by by-laws make, to adopt a common seal, to regulate by by-laws or otherwise the calling in of all instalments of stock and payment thereof, and the registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the appointments, functions, duties and removal of all agents, officers, and servants of the association, the security to be given by them, their remuneration, the time and place for holding meetings, the calling of meetings, the requirements as to proxies, the proceedings in all things at such meetings, the making of calls upon subscribed capital, the imposition and recovery of all penalties and forfeitures imposed upon the several members of the association infringing such by-laws, and the conducting all other particulars of the affairs of the association; but all such by-laws, and every repeal, amendment and re-enactment thereof, may be varied, altered, or cancelled by the shareholders of the association at the next general meeting, and every copy of any by-law or resolution under the seal of the association, and purporting to be signed by any officer of the association, shall be received in all courts of law as *prima facie* evidence of such by-law: Provided that notice of the time and place of holding all general or special meetings of shareholders shall be given by publishing the same in two principal newspapers published in the city of Toronto for at least two weeks before the day appointed for such meeting, and

Proviso.

and also in the *Ontario Gazette* for at least two weeks prior to such meetings, and when and so soon as there are any shareholders residing in Great Britain or Ireland, then in one newspaper published in London, England.

14. The shareholders shall not be held responsible for any act, default, or liability whatsoever of the association, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the association, beyond the amount unpaid upon their shares in the stock thereof. Liability of shareholders.

15. The association shall not commence business operations under this Act until at least one hundred thousand dollars of their capital stock shall have been subscribed and ten per centum paid in. When company may commence business.

16. If at any time the directors consider it expedient to cease carrying on the business of the association and to wind up and close it, they shall have power so to do in such manner as they shall deem best for the interests of the stockholders: Provided that the consent of a majority of the stockholders present at any general or special meeting thereof be obtained thereto, and the notices for the calling of such meeting shall mention the intention of considering the winding up. Winding up company.

17. The said association shall lay before the Legislative Assembly of Ontario their last annual report of directors, containing a general statement of the affairs of the said association, which report shall be presented within the first thirty days of each session of the Legislature at each session thereof. Report to be laid before Legislative Assembly.

18. In this Act the words or expression "city of Toronto" shall be held to mean and include the said city of Toronto as it is now or may at any time hereafter be incorporated. "City of Toronto," meaning of.

CHAPTER 85.

An Act to incorporate the General Annual Conference of the Free Methodist Church of Ontario, in Canada, and for other purposes.

[Assented to 25th March, 1884.]

WHEREAS the General Annual Conference of the Free Methodist Church of Ontario, in Canada have, by their petition, represented that they are desirous to become incorporated in the Province of Ontario, and that they are desirous of having provided a short form of conveyance by Preamble

by which the Trustees of the several congregations of the said Church, in the said Province, may have conveyed to them lands for the uses of the said Church, to have the same effect, and to be construed as if it contained the form of words which set out the trusts contained in the Model Deed, being the first and second schedules to this Act, and that the Trustees of the several congregations of said Church, in the said Province by whatever name they may hold, should be enabled to alter and extend the trusts and provisions contained in and by the several deeds under which the said Trustees hold, so that the lands conveyed by such deeds may be placed under the like trusts and provisions as are set out and contained in such Model Deed ; and that the said Trustees of each of the congregations of said Church now holding, or to hold under, said deed, should from time to time be enabled to add to their number or declare vacancies occasioned by resignation, removal to a distance, or other disability ; and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

General Conference incorporated.

1. The General Annual Conference of the Free Methodist Church of Ontario, in Canada shall be and is hereby declared to be a body politic and corporate, by the name and style of "The Free Methodist General Conference of Ontario, in Canada," and by that name shall have perpetual succession, and shall be capable of suing and being sued in any court whatever, and shall have and use a common seal, which it may alter and change at pleasure.

Power to appoint officers and make by-laws, etc.

2. It shall be lawful for the regular members of said General Annual Conference, at its regular constitutional meetings to appoint such officers and to make and ordain such by-laws and regulations, in relation to the management and disposition of their real and personal estate, the duties of their officers and the management of the corporate offices, as they shall think proper, provided they are not inconsistent with any Act or law in that behalf in force within this Province.

Power to hold land, etc.

3. From and after the passing of this Act the trustees of the several congregations in Ontario of the Free Methodist Church of Ontario, in Canada, by whatever name they may hold the lands conveyed to them under deeds containing trusts, provisions, conditions and agreements differing from those which are set out in the said Model Deed provided by this Act, may register, in the registry office of the county where the lands so held by them respectively are situated, a declaration signed by a majority of the said trustees, in the form or to the effect of that set out in the third schedule to this Act, and thereupon the lands described in said declaration shall be held by them as such trustees by the name set out in said declaration, under and upon the like trusts, and

Registration of declarations of trust.

and for the purposes and under the directions and provisions of the Model Deed aforesaid, and set out in the first and second schedules hereto annexed, for such and the same ends, uses, intents and purposes, and with, under and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of and managed by the like authorities, officers, trustees and persons appointed and to be appointed, and acting in the same manner, and with the same duties, powers, liabilities and restrictions, in every particular and respect as are expressed, contained and declared, or referred to in the said Model Deed, provided by this Act, and set out in the first and second schedules hereto annexed; saving always such right as may have been acquired by any person or corporation prior to the passing of this Act. The fee payable to the registrar for the registration of such declaration, including all entries and certificates thereof, shall be fifty cents.

4. When a deed of real property in Ontario, made according to the forms set forth in the first schedule to this Act, or any other such deed expressed to be made in pursuance of this Act, or referring thereto, contains any of the forms or words contained in column one of the second schedule to this Act, and distinguished by any number therein, such deed shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the same schedule, and distinguished by the same number as is annexed to the form of words used in such deed, but it shall not be necessary in any such deed to insert any such number.

Application of short forms in second schedule.

5. Any deed or part of a deed which fails to take effect by virtue of this Act shall, nevertheless, be as effectual to bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been passed.

Effect of deeds which are inoperative under this Act.

6. Every such deed, unless an exception be specially made therein, shall be held and construed to include all houses, out-houses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, water-courses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments and appurtenances whatsoever, to the land therein comprised, belonging, or in anywise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken, or known as part or parcel thereof, and if the same purports to convey an estate in fee, also the reversion or reversions, remainder and remainders, yearly and other rents, issues and profits of the same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim and demand whatsoever, both at law and in equity, of the grantor in, to, out of, or upon the same lands, and every part and parcel thereof, with their and every of their appurtenances.

What property shall pass by deed hereunder.

Interpreta-
tion.

“Lands.”

“Party.”

7. In the construction of this Act and the schedules thereto, unless there be something in the subject or context repugnant to such construction, the word “lands” shall extend to all freehold tenements and hereditaments, whether corporeal or incorporeal, or any undivided part or share therein, respectively; and the word “party” shall mean and include any body politic or corporate or collegiate, as well as an individual.

Schedules to
form part of
Act.

8. The schedules and the directions and forms therein contained shall be deemed parts of this Act.

Short title.

9. This Act may be cited and known as “*The Free Methodist Church of Ontario Act, 1884.*”

SCHEDULES.

FIRST SCHEDULE.

This indenture, made in (duplicate) the _____ day of _____ one thousand eight hundred and _____, in pursuance of *The Free Methodist Church of Ontario Act, 1884*, and in pursuance of the Act respecting short forms of conveyances; between *(here insert the names, places of residence, and description of the grantors, parties barring dower or other estates and recitals, if any, describing the grantees, in addition to their usual additions, as the Trustees of the _____ congregation of the Free Methodist Church of Ontario in Canada)*, witnesseth that in consideration of the sum of _____ dollars of lawful money of Canada now paid by the said Trustees to the said part of the _____ part (the receipt whereof is hereby acknowledged) the said part _____ of the _____ part _____ do grant and assign unto the said trustees and their successors in the said trusts, all etc., *(parcels)* to have and to hold the said parcel or tract of land and premises unto and to the use of the said trustees and their successors in the said trusts forever, upon the following trusts *(here set out the trusts, provisoes, covenants and other provisions)*.

In witness whereof the said parties hereto have hereunto set their hands and seals.

SECOND SCHEDULE.

Directions as to the forms in this schedule, in cases of sale and conveyance of real property.

Parties who use any of the forms in the first column of this schedule may substitute the feminine gender for the masculine,
or

or the plural number for the singular in any of the forms in the first column of this schedule, and corresponding changes shall be taken to be made in the corresponding forms in the second column.

COLUMN ONE.

1. Upon trust to build a church and other buildings.

2. To permit building to be used as a church by the Free Methodist Church.

COLUMN TWO.

1. Upon trust that they the said parties hereto of the third part, and their successors, or the trustees or trustee for the time being acting in the trusts of these presents, shall and do, with and out of the moneys now or which may hereafter be possessed by them or him for that purpose, and as soon after the execution of these presents as conveniently may be, erect and build upon the said parcel or tract of land, or upon some part thereof, and from time to time, and at all times hereafter, whenever it shall be necessary for the due accomplishment of the trusts of these presents, or of any of them, repair, alter, enlarge, and rebuild a church or place of religious worship, and a dwelling house or dwelling houses, vestry room or vestry rooms, school room or school rooms, and other offices, conveniences and appurtenances, or with or without any of them respectively, as, and in such manner as, the trustees for the time being of these presents shall from time to time deem necessary or expedient.

2. And upon further trust, from time to time, and at all times after the erection thereof, to permit and suffer the said church or place of religious worship with the appurtenances to be used, occupied and enjoyed as and for a place of religious worship by a congregation of the Free Methodist Church of Ontario in Canada as aforesaid, and for public and other meetings and services held according to the rules and discipline and general usages of the said church, and do and shall from time to time and at all times hereafter permit and suffer such person or persons as are hereinafter mentioned or designated, and such person and persons only, to preach and expound God's holy Word, and to perform the usual acts of religious worship.

worship therein, and burial services in the burial ground thereto belonging; that is to say, such person and persons as shall be from time to time approved and for that purpose duly appointed by the general annual Conference of the said Free Methodist Church; and also such other person or persons as shall be thereunto from time to time duly permitted or appointed (according to the rules and discipline of the said Free Methodist Church) by the chairman for the time being of the district, or the minister in charge of the circuit or station in which the said church or place of religious worship, shall for the time being be situated; and also such other person and persons as shall be thereunto from time to time duly appointed by any authority lawfully constituted by the said Conference to fill up any vacancy or vacancies at any time occasioned by the death, removal, or suspension of a minister or ministers in or during any interval between the sittings of the said Conference, but only until the next Conference, and in no case any other person or persons whomsoever.

3. To permit dwelling house on said premises to be used by the minister in charge.

3. And upon further trust, from time to time, and at all times hereafter, to permit and suffer such minister or ministers of the aforesaid Free Methodist Church to reside in, use, occupy and enjoy, free from the payment of any rent for the same, the dwelling-house or dwelling-houses with the appurtenances (if any there be) erected thereon for that purpose, during such time and times as the said minister or ministers shall and may be duly authorized so to do, by his or their being appointed by the Conference of the said Free Methodist Church according to the rules and discipline thereof, to the circuit or station in which the same may be situated, without the let, suit, hindrance, or denial of the said trustees, or of any person or persons on their or any of their behalf; and it is hereby declared that the times and manner of the various services and ordinances of religious worship to be observed and performed in the said place

of

of religious worship, shall be regulated according to the rules and discipline and general usage of the said Free Methodist Church; and that the officiating minister for the time being, whether appointed by the said Conference or permitted or appointed by the said chairman or minister in charge for the time being, or otherwise permitted or appointed as in these presents is mentioned, shall have the direction and conducting of the same worship, in conformity, nevertheless, to the said rules and discipline and general usage of the said Free Methodist Church; provided always, that no person or persons whomsoever shall at any time hereafter be permitted to preach or expound God's holy Word, or to perform any of the usual acts of religious worship, upon the said parcel or tract of land and hereditaments, nor in the said church or place of religious worship and premises, or any of them, or any part or parts thereof, nor in or upon the appurtenances thereto belonging or any of them, or any part or parts thereof, who shall maintain, promulgate, or teach any doctrine or practice contrary to the well-understood Christian doctrines and discipline recognized and maintained by the said Free Methodist Church.

4. To permit Sunday schools to be carried on in said church.

4. And, upon further trust, in case a school room or school rooms shall be erected or provided upon the said parcel or tract of land, or any part thereof as aforesaid or, if there shall be no separate school room or school rooms, and it shall, by the trustees for the time being of these presents, or the major part of them, be thought necessary or expedient to hold and teach a Sunday or other school or schools in any proper part of the said church or place of religious worship, then to permit and suffer a Sunday or other school or schools to be held, conducted, and carried on from time to time in the said school room or school rooms; or if it shall be thought necessary or expedient, as aforesaid, in the said church or place of religious worship, as aforesaid, but if in the said church or place of religious worship,

ship, then only at such hours and times as shall not interfere with the public worship of Almighty God therein; and, in all cases, whether in the said church or place of religious worship or not, under such government, orders and regulations as the said Conference have directed or appointed, or shall hereafter from time to time direct or appoint; and, also, subject always to the proviso hereinbefore contained respecting doctrines.

5. To take down and remove buildings and to re-build.

5. Provided always, that it shall be lawful for the trustees, for the time being of these presents, or the major part of them, when and so often as they shall deem the same necessary or expedient, to take down and remove the said church, vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences or appurtenances to the said church or place of religious worship and premises belonging or appertaining, or all or any of them, or any part or parts thereof, respectively, for the purpose of rebuilding the said church or place of religious worship, or for the purpose of building or rebuilding any other vestry room or vestry rooms, school room or school rooms, dwelling house or dwelling houses, offices, conveniences and appurtenances, or enlarging or altering the same, respectively, or all, or any of them, so as to render the premises better adapted to and for the due accomplishment of the trusts, intents and purposes of these presents.

6. To mortgage, provided mortgage covers entire debt, owing in relation to the trust premises.

6. And it is hereby declared that from time to time, and at all times hereafter, it shall and may be lawful to and for the trustees for the time being of these presents, or the major part of them, to mortgage, and for that purpose to appoint, convey and assure in fee, or for any term or terms of years, the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or any part or parts thereof respectively, to any person or persons whomsoever, for securing such sum or sums of money as may be requisite or necessary in or for the due

due execution and accomplishment of the trusts and purposes of these presents, or any of them, according to the true intent and meaning thereof; nevertheless, it is hereby declared that no mortgage or mortgages, nor any disposition whatsoever by way of mortgage, shall at any time hereafter be made of the said trust premises, or any part or parts thereof, under or by virtue of these presents, unless such mortgage or mortgages shall in the aggregate amount to and cover the whole debt, or the aggregate amount of the whole of the debts which at the time of the execution of such mortgage or mortgages shall be due and owing, either legally or equitably, in respect or on account of or in relation to, the said trust premises, or from the said trustees for the time being, or any of them, for or on account or in respect of the said trust premises, or some part or parts thereof, respectively, excepting only such debt and debts as may then be accruing due, for or on account of the ordinary current expenses of the said church or place of religious worship and premises; but it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, or upon any intended mortgagee or mortgagees of the said trust premises, or any part or parts thereof, to inquire into the necessity, expediency or propriety of any mortgage or mortgages which shall be made or be proposed to be made, under or by virtue of these presents, or whether the same is or are made or intended to be made for the whole amount of the debt, or of the aggregate amount of the debts which shall be so due and owing as aforesaid, nor shall anything in these presents contained or which may be contained in any such mortgage or mortgages extend, or be construed to extend, unless where the contrary shall, with the full knowledge and consent of the said trustees for the time being, or the major part of them, be therein actually expressed, to hinder, prevent, or make unlawful the taking down, removing, enlarging or altering the said buildings and premises, or any of them, respectively,

respectively, as in these presents before mentioned and provided for in that behalf, nor in any manner to hinder, prevent or interfere with the due execution of the trusts or purposes of these presents, or any of them, so long as such mortgagee or mortgagees, his, her or their heirs, executors, administrators and assigns, shall not be in the actual possession as such mortgagee or mortgagees of the hereditaments comprised or to be comprised in such mortgage or mortgages, anything in these presents contained to the contrary in anywise notwithstanding.

7. To let dwelling houses, and to sell graves and tombs, a burial ground is included in trust property.

7. And upon further trust from time to time, and at all times hereafter, if there shall be any such dwelling house or dwelling houses, school room or school rooms, or other building or buildings, or any of them, erected and built as afore-said, then to let the same or any of them, [other than such as shall or may have been erected and built for or appropriated to the use and occupancy of the minister or ministers duly appointed to the circuit or station in which the same shall be situated] at a reasonable rent or reasonable rents; and also, if there shall be a cemetery or burial-ground, to let graves and tombs at a reasonable rent or reasonable rents, or to sell graves and tombs at a reasonable price or reasonable prices, and to collect, get in and receive the rents, profits and income to arise in any manner from the said premises [excepting moneys which shall from time to time arise from collections or subscriptions duly made therein, according to the rules and discipline and general usage of the said Free Methodist Church for other purposes than for the immediate purposes of the said trust estate], as and when the same shall from time to time become due and payable, but not (excepting as to moneys from time to time received for graves and tombs) by way of anticipation, further than for the quarter or half-year, or year, as may be thought most expedient; Provided always, that when and so often as such dwelling house or dwelling houses as may have been erected for the express use of the minister

minister or ministers of the circuit or station, shall not be required for the use of such ministers or minister on account of his or their being unmarried or otherwise, it shall and may be lawful for the said trustees, by and with the advice and consent of the chairman of the district, and the Official Board of the circuit or station, to let the same and appropriate the rent arising therefrom towards paying and satisfying the board and lodging of such minister or ministers, or towards paying the rent for a more suitable and convenient residence or residences for such minister or ministers.

8. Trustees to hold moneys arising therefrom upon trust; to pay taxes, insurance, and for repairs; also interest and expenses incurred in the execution of the trusts hereof.

8. And it is hereby declared that the trustees and trustee for the time being of these presents shall stand and be possessed of the money arising from the said rents, profits and income (except as aforesaid) upon trust, thereout to pay in the first place, such duties, taxes, rates and other outgoings (if any) as from time to time shall be lawfully payable in respect of the said premises, or any part or parts thereof, and also the costs, charges, and expenses of insuring and keeping insured the said trust premises against loss or damage by fire, in such sum or sums as the said trustees for the time being, or the major part of them, shall from time to time think proper or expedient, and in repairing and keeping the said trust premises in good repair and condition; and likewise the interest of all principal moneys borrowed and then due and owing on security of the said trust premises, or of any part or parts thereof by virtue of these presents, and then to retain to and reimburse themselves, respectively, all costs, charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts of these presents, or any of them; and in the next place, thereout to pay and discharge the necessary costs, charges and expenses from time to time incurred in cleansing, warming, lighting and attending to the said church or place of religious worship and premises, and generally to liquidate any debts, costs, charges, incumbrances

branches and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts of these presents, or any of them, and not included in any of the provisions aforesaid.

9. To pay over surplus to the Official Board to be applied towards payment of ministers in charge, assisting funds of other churches, building new church or subscribing to charities.

9. And upon further trust, from time to time to pay over to the Official Board any surplus money remaining after due payment of all such lawful debts, costs, charges, incumbrances and expenses as aforesaid, which Board shall apply the same (but according and in conformity to the rules and discipline of the said Free Methodist Church) for or toward the support of the minister or ministers for the time being, respectively, appointed by the said Conference or otherwise as aforesaid, either in the circuit in which the said chapel or place of religious worship shall for the time being be situated, or in that and some other circuit or circuits, or in some other circuit or circuits only, or for or towards the purpose of assisting or increasing the funds of any other church or place of religious worship, or churches or places of religious worship appropriated to the use of the said Free Methodist Church, or in building any new church or place of religious worship, or churches or places of religious worship, for the use of the said Free Methodist Church, and which shall be settled upon such or similar trusts, ends, intents and purposes, as are in these presents mentioned; or in subscribing or giving to any of the general funds, objects, or charities of the said Free Methodist Church; or for or towards all or any of the purposes, objects, funds or charities hereinbefore mentioned, in such manner as the members of the Official Board for the time being, or the major part of them, shall from time to time think necessary or expedient.

10. To appoint and remove treasurers.

10. And it is hereby declared that it shall be lawful for the trustees, for the time being, of these presents, or the major part of them, at any meeting to be convened and held as is hereinafter mentioned, from time to time, and at all times hereafter, at their discretion to appoint

point any person or persons of decent and sober conduct and good reputation to be a treasurer or treasurers of the funds of the said church or place of religious worship and premises, and at their will and pleasure to remove and to dismiss such treasurer or treasurers or any of them.

11. To keep books of account and submit same for audit.

11. And it is hereby declared that the trustees or trustee, for the time being, of these presents, shall themselves, or by their treasurer or treasurers, keep a book or books of accounts, in which from time to time shall be plainly, legibly and regularly entered, an account of every receipt and disbursement by them, him or any of them received or made, and also of all debts and credits due to and owing from or in respect of the said trust premises or any part or parts thereof, and also of all other documents, articles, matters and things necessary for the due and full explanation and understanding of the same book or books of accounts; and shall also in like manner keep a book or books of minutes, in which from time to time shall be plainly, legibly and regularly entered minutes of all trustee meetings from time to time held under or by virtue of these presents, and of the resolutions passed, and of all proceedings, acts and business, had taken and done thereat, and also of all documents, articles, matters and things necessary for the due and full explanation and understanding of the same minutes and all other things done in and about the execution of the trusts of these presents; and shall and will from time to time, and at all seasonable times hereafter, upon the request of the chairman for the time being of the district in which the said church or place of religious worship shall, for the time being, be situated, produce and shew forth to him, and to every person whom he shall desire to see the same, all and every such book or books of accounts and minutes, documents, articles, matters and things, and permit and suffer copies or abstracts of, or abstracts from, them or any of them to be made and taken by the said chairman

man or any person or persons whom he shall from time to time desire to make and take the same; and the said book and books of accounts and minutes, and all documents, articles, matters and things relating in anywise to the said trust premises, shall, at least once in the year and oftener if the said chairman shall at any time desire, and shall give notice thereof in manner hereinafter mentioned, be regularly upon a day to be appointed by the said chairman for the time being, or with his concurrence, examined and audited by the chairman and the Official Board of the circuit in which the said church or place of religious worship shall for the time being be situated, at a meeting convened for that purpose; and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose of such meeting, shall and may be given under the direction of the said chairman for the time being by the said Official Board, the said trustee, or trustees for the time being, to each and every the other and others of them, the said trustees or trustee, and every member of the said Official Board, and either personally served upon him and them respectively, or left for or sent by the post to him and them, at his and their most usual place and places of abode or business; and in order to facilitate the auditing of the said accounts, minutes, documents, articles, matters and things, it shall be lawful for the said chairman for the time being, as aforesaid, to appoint in writing a deputy or deputies to act therein for him and the said Official Board as aforesaid; and it is hereby declared that the signatures of all of them, the said auditors, deputies and deputy, or of the aggregate majority of them, written in the said book and books of accounts and minutes respectively, shall be sufficient evidence that all the matters and things relating to the said trust premises, which were up to that time included in the said books, accounts, minutes and documents, matters and things, were duly examined, audited and approved of, unless and except so far as
the

the contrary shall be therein by them, or by the aggregate majority of them, in writing expressed.

12. And it is hereby declared that fourteen days' notice of a special meeting, and convenient notice of other meetings of trustees shall be given.

12. And it is hereby declared that every meeting for the purpose of taking into consideration the propriety of making any alteration of, or any addition to, or mortgage or sale of the said church or place of religious worship and premises thereof, of any part or parts thereof, or for contracting any debt upon, for or on account thereof (other than for the ordinary current expenses thereof), or for letting any such house or houses, school room or school rooms, as aforesaid, or for fixing the rents or prices, or making or altering rules to ascertain the rents or prices of such graves and tombs as aforesaid, or for appropriating the funds or any part of the funds of the said church or place of religious worship (otherwise than for the due payment of the ordinary current expenses thereof), or for bringing or defending any action or actions, suit or suits, respecting the said trust estates and premises or any parts thereof, or any matter relating thereto, or for any one or more of the above purposes, shall be, and shall be deemed and taken to be, a special meeting, and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose or purposes of such meeting, and signed by at least either two of the trustees for the time being of these presents, or by the minister in charge for the time being, shall be given to the other and others of them, and him, the said trustees, and minister in charge (unless where he is himself the person giving such notice), and either personally served upon him and them, or left for or sent by the post to him and them, respectively, at his and their most usual place or places of abode or business; and, for the purpose of transacting their ordinary business relating to the said church or place of religious worship and premises, or for any other purpose relating to these presents or trusts thereof (except where fourteen days' notice is expressed or required,

quired, as hereinbefore is mentioned), a meeting of the trustees, for the time being, of these presents, may be held with the said minister in charge for the time being, as aforesaid, so soon as the same can be conveniently convened by notice in writing, specifying the time and place of such meeting, given and signed by at least either two of the said trustees for the time being, or by the said minister in charge for the time being, and either personally served upon or left for, or sent by the post as aforesaid, to the other and others of them respectively, at his and their most usual place or places of abode or business: Provided always, and it is hereby declared, that no meeting held under or by virtue of these presents shall be invalid, or the resolutions thereof void or impeached by reason that any such notice or notices as aforesaid may not or shall not have reached any trustee or trustees for the time being of these presents, who, at the time of any such meeting, happens to be out of the Province, or who or whose place or places of abode or business shall not be known to, and cannot reasonably be found or discovered by, the person or persons who is or are, respectively, as aforesaid, authorized to give any such notices or notice as aforesaid.

13. That a majority of the trustees shall rule, and that in case of a tie the chairman shall give casting vote.

13. And it is hereby declared that at any meeting held under or by virtue of these presents, or of the trusts hereof, or any of them, the votes of the persons present and entitled to vote, or the votes of a majority of them, shall decide any question or matter proposed at such meeting, and respecting which such votes shall be given, and in case the votes shall be equally divided then the chairman of such meeting shall give the casting vote, and which casting vote he shall have in addition to the vote which he shall be entitled to in his character of trustee, minister in charge, or otherwise; and it is hereby declared that, whenever it shall be thought necessary or expedient to do anything in and by these presents directed, authorized, or made lawful to be

be done, the necessity or expediency of doing the same shall in like manner be decided by the persons present and entitled to vote upon the question to be determined, or by the majority of them; and if there shall be an even division, then by such casting vote as aforesaid, and all acts and deeds done and executed in pursuance of any such decision as aforesaid, at any such meeting as aforesaid, shall be good, valid and binding on all persons entitled to vote at the meeting who may be absent, or, being present, may be in the minority, and on all other persons claiming under or in pursuance of these presents; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the same time or on the same question, although holding more than one office at the same time in the said Free Methodist Church, or in the same meeting.

14. That the rules, discipline, doctrines and usages of the Church shall be in force, subject to the proviso respecting doctrines herein contained.

14. And it is hereby declared that the "Doctrines and Discipline of the said Free Methodist Church," in these presents mentioned or referred to, are the Doctrines and Discipline of the said Church, as printed and published by authority of the said Conference in a book entitled, "The Doctrines and Discipline of the Free Methodist Church," and the general usage and practice of the societies belonging to said church, and such rules and regulations as may from time to time be made or adopted by the said Conference, and printed and published in their annual minutes in accordance with the provisions contained in the said book of discipline for altering or amending the same, but subject at all times to the proviso respecting doctrines in these presents contained.

15. That unless where deed directs otherwise minister in charge shall be chairman of meetings of trustees, but in case of absence

15. Provided always, and it is hereby declared that, excepting where the contrary is in these presents expressly declared or provided for, the minister in charge for the time being of the circuit or station in which the said church or place of religious worship shall for the time being

trustees may appoint chairman.

being be situated, shall be the chairman of, and shall preside at, and shall have a vote as such minister in charge in all meetings held under or by virtue of these presents; but in case the said minister in charge for the time being shall at any time neglect to attend at any such meeting as aforesaid, or if the minister in charge shall attend but shall refuse to act as the chairman at any such meeting as aforesaid, or if the said minister in charge shall not attend any such meeting, then, and in every and any of the said cases, it shall be lawful for the persons for the time being composing such meeting and entitled to vote thereat, or for a majority of them, to elect and choose from among themselves a chairman to preside for the time being at any such meeting as aforesaid, and every meeting so held, upon any such neglect or refusal of the said minister in charge, shall be as valid and effectual as if the said minister had been the chairman thereof and had presided thereat.

16. Proviso for sale of land with consent of Conference.

16. Provided always, and it is hereby declared, that it shall and may be lawful to and for the trustees for the time being of these presents, with the consent of the said Conference, such consent to be testified in writing under the hand of the president for the time being of the said Conference, at any time or times hereafter, absolutely to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of such part or parts of the same respecting which such consent in writing as aforesaid shall be given, either by public sale or private contract, and together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold to the purchaser or purchasers thereof, his, her, or their heirs and assigns or as he, she or they shall direct or appoint; and the hereditaments and premises so sold and conveyed and

assured

assured as aforesaid shall thenceforth be held and enjoyed by the purchaser or purchasers thereof, his, her, and their heirs, executors, administrators, and assigns, freed and absolutely discharged from these presents and from the trusts hereby declared, and every of them; and the trustees and trustee for the time being, acting in the trusts of these presents, shall apply the money which shall arise from every such sale as aforesaid, so far as the same money will extend, to the discharge of all the incumbrances, liabilities, and responsibilities, whether personal or otherwise, lawfully contracted or occasioned by virtue of these presents, or in the due execution of the trusts thereof or of any of them, and subject thereto either for or toward promoting the preaching of the Gospel in the said Free Methodist Church in the circuit or station in which the said church or place of religious worship shall, for the time being, be situated, or for the purpose of procuring a larger or more conveniently or eligibly situated parcel or tract of land and church or place of religious worship and premises, in the place or stead of the said parcel or tract of land, church, or place of religious worship, hereditaments, and premises, so sold or disposed of, to be settled upon the same trusts, and to and for the same ends, intents and purposes, and with, under and subject to the same powers, provisoes and declarations as are in and by these presents expressed and contained, or such of them as shall be then subsisting or capable of taking effect.

17. Proviso for sale in case trust premises shall be inadequate to meet and discharge interest and expenses.

17. Provided always, that if any time hereafter the income arising from the said parcel or tract of land, church or place of religious worship, hereditaments and premises, shall be inadequate to meet and discharge the interest of all moneys borrowed and then due and owing upon or on account of the said trust premises, and the various current expenses attending the due execution of the trusts of these presents, and if the trustees and trustee for the time being of these presents shall desire to retire and be discharged from the

the burden and execution of the said trusts, and if no such proper persons as are hereinafter mentioned or described can be found to take upon themselves the burden and execution of the said trusts, with the responsibility and liability to be thereby incurred, then in that case it shall be lawful for the trustees for the time being as aforesaid, or the major part of them, of their own proper authority, and without any such consent by the said Conference as aforesaid, to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or any part or parts of the same respectively, either by public sale or private contract, and either together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold, with the appurtenances, to the purchaser or purchasers thereof, his, her, or their heirs and assigns, or as he, she, or they shall direct or appoint, and the hereditaments and premises so sold and conveyed and assured as last aforesaid, shall thenceforth be held and enjoyed by the purchaser and purchasers thereof, his, her, and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents and the trusts hereby declared, and every of them; and all the money arising from every such last-mentioned sale shall be applied, disposed of and appropriated, as far as the same money will extend, to the purposes and in the manner hereinbefore directed with respect to any sale made in pursuance or in consequence of such consent of or by the said Conference as aforesaid; but it is hereby declared that no sale shall be made by virtue of this present power or authority, unless the trustees for the time being as aforesaid, or a majority of them, shall give notice in writing to the said Conference or to the president for the time being of the said Conference, on or before the first day of the then next annual meeting of the said Conference, of their

their intention to make such sale, and the reasons for the same, nor unless the said Conference shall, for the space of six calendar months next after the said first day of their said annual meeting, refuse or neglect either to give, grant or provide the said trustees and trustee for the time being with such pecuniary or other aid, assistance and relief as shall enable them and him to bear and continue the burden of the execution of the trusts of these presents, or (as the case may be) to find and provide other trustees who will take upon themselves the burden of the execution of the said trusts.

18. And it is hereby declared that except in case of mortgage or sale the receipt of a majority of the trustees or of trustee, steward or treasurer duly authorized, shall be sufficient.

18. And it is hereby declared that the receipt and receipts of a majority of the trustees for the time being of these presents shall, in all cases of payment made to them, or any of them, as such trustees or trustee as aforesaid, be a full discharge to the person or persons entitled to such receipt or receipts, his, her, and their heirs, executors, administrators and assigns, for all mortgage moneys, purchase moneys, or other moneys therein respectively expressed and acknowledged to have been received by any such trustees or trustee as aforesaid; and in all cases except for money paid and received in respect of any mortgage or sale of the said hereditaments and premises, or any part or parts thereof as aforesaid, the receipt and receipts of any one or more of the trustees for the time being of these presents, or any one or more of the stewards or treasurers for the time being, by the said trustees for the time being, or the major part of them, duly authorized to sign and give receipts, shall be a full discharge to the person and persons entitled to such receipt or receipts, his, her and their heirs, executors, administrators and assigns, for all moneys (except as aforesaid) therein respectively expressed and acknowledged to have been received by any such trustee, steward or treasurer, as aforesaid.

19. That purchaser or mortgagee

19. And it is hereby declared that it shall not be incumbent upon any mortgagee

shall not be bound to enquire as to the necessity of sale or mortgage.

gagee or mortgagees, purchaser or purchasers, of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof respectively, to enquire into the necessity, expediency or propriety of any mortgage, sale or disposition of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof made or proposed to be made by the said trustees or trustee for the time being or the major part of them, as aforesaid, or whether any such notice or notices as aforesaid was or were duly given, or was or were valid or sufficient, or whether any steward or stewards, treasurer or treasurers, was or were duly authorized to sign and give receipts as aforesaid; nor shall it be incumbent upon any such mortgagee or mortgagees, purchaser or purchasers, or any of them, or for any other person or persons, his, her or their heirs, executors, administrators or assigns, paying money to such trustees or trustee, or to their steward or stewards, treasurer or treasurers for the time being, as aforesaid, to see to the application, or to be answerable or accountable for the loss, mis-application or non-application of such purchase or other money, or any part thereof, for which a receipt or receipts shall be so respectively given as aforesaid.

20. That trustees shall not be accountable for involuntary loss.

20. And it is hereby declared that the trustees or trustee for the time being of these presents, shall not, nor shall any of them, their, or any of their, heirs, executors or administrators, or any of them, be chargeable or accountable for any involuntary loss suffered by him, them, or any of them, nor any one or more of them, for any other or others of them, nor for more money than shall come to their respective hands, nor for injury done by others to the said trust premises or to any part or parts thereof.

21. That the number of trustees shall not be less than

21. And it is hereby declared to be the true intent and meaning of this indenture, and of the parties thereto, that the full

three or more than twenty-one, and that vacancies are to be filled and number increased by nomination and appointment.

full number of the trustees of the said trust shall not be less than three or more than twenty-one, the first of whom shall be elected by a society meeting called for that purpose and shall be members in full connection, of the age of not under twenty-one years, and that when and so often as any one or more of the said trustees, or of their successors in the said trust, shall die, resign office as trustee, by and with the consent of a two-thirds vote of the co-trustees, or withdraw from or cease to be a member or members of the said Free Methodist Church, according to the rules and discipline of the said Church, or shall remove to such a distance as shall in the opinion of his co-trustees, expressed by a two-thirds vote of said co-trustees, render it inexpedient for him to remain in said trust, the place of the trustee or trustees so dying, resigning, withdrawing, ceasing to be a member or members of the said Church, or removing as aforesaid, shall thereupon become vacant, subject, however, to the provisos next hereinafter set out, and shall be filled with a successor or successors being a member or members of the said Church, of the full age of twenty-one years, to be nominated and appointed by the Official Board of the circuit or station; Provided always that no such consent as aforesaid shall be given while any vacancies remain unfilled, nor shall the Official Board consent to the resignation of more than one trustee by any one vote; Provided also, that notwithstanding the withdrawal by a trustee from his membership in the said Church, his powers and liabilities as a trustee shall not cease unless his place in the trust shall be declared vacant by a two-thirds vote of the members of the said Official Board, which declaration it shall be in their power to make, on their being convinced that he has withdrawn as aforesaid; Provided, that no prior vacancy remain then unfilled, and provided, that not more than one vacancy shall be declared by any one vote; and if at any time it shall be deemed advisable to increase the number of trustees to a number greater than that appointed hereby,

hereby, not exceeding twenty-one, then the person or persons whom it is desired to appoint as such new trustee or trustees, shall be nominated and appointed as is next hereinbefore provided for the filling of vacancies; and if it shall happen at any time that there shall be no surviving or remaining trustee of the said trust, or should the said Official Board omit to fill any such vacancy or vacancies as aforesaid, then, and in every such case, it shall and may be lawful for the quarterly Conference of the district in which the property is situate to appoint the requisite number of the trustees of the said trust, and to fill any such vacancy or vacancies by the vote of the majority of the members of the said Conference then present, and in case of an equal division of their votes the chairman of the said Conference shall have the casting vote in such appointment, and the person or persons so appointed trustee or trustees shall be the legal successor or successors, co-trustee or co-trustees of the said above-named trustees, and shall have, in perpetual succession, the same capacities, powers, rights, duties, estates and interests as are given to the above-named trustees in and by these presents.

22. Proviso for indemnification of trustee ceasing to be a member of the trust.

22. Provided always, nevertheless, and it is hereby expressly declared that, in every such case when the trustees or trustee so withdrawing, resigning, removing, or ceasing to be a member or members of the said Free Methodist Church as aforesaid, and whose place has become vacant, as aforesaid, shall make request for that purpose in writing to the Official Board, they, the said surviving trustees, shall and will within six calendar months next after such request, under their hands and seal of office (but at the costs and charges in the law of the person and persons making such request) execute a bond, in a sufficient penalty or other obligation, to indemnify the trustees or trustee so withdrawing, resigning, or removing, or ceasing to be a member or members of the said Free Methodist Church or trust as aforesaid, and every of them, their, and every

every of their heirs, executors and administrators, of and from and against the payment of all and every sum and sums of money, costs, charges, and expenses, which he, they, or any of them, his, their, or any of their heirs, executors or administrators either separately or jointly with any other trustees or trustee of the said trust premises, may be bound, engaged, or liable to pay, in respect to the said parcel or tract of land, church, or place of religious worship and premises, or in or about the due execution of the trusts of these presents ; or in place of such bond or obligation shall procure the trustees or trustee so withdrawing, resigning, removing, or ceasing to be a member or members of the said Free Methodist Church or trust, to be effectually released and discharged of and from and against the payment of all such sum or sums of money, costs, charges and expenses as last aforesaid, and from all liability on account or in respect thereof or otherwise relating thereto. Provided always, that nothing hereinbefore contained shall be construed to prevent or disqualify any person or persons so withdrawing or ceasing to be a member or members as aforesaid, from being at any future time, nominated, appointed and chosen (if then duly qualified) to be a trustee or trustees of the said parcel or tract of land, church or place of religious worship and premises under or by virtue of the powers or authorities in these presents contained or either of them, for appointing a successor or successors of the trustees of these presents ; provided always, and it is hereby declared that from time to time, and at all times hereafter, upon the decease of any trustee or trustees for the time being of these presents, the surviving trustees or trustee for the time being of these presents shall and will, within six calendar months next after request for that purpose in writing made to them or him by the legal representative or representatives of such deceased trustee or trustees (but at the costs and charges in the law of such legal representative or representatives) respectively execute a bond (in a sufficient

cient penalty) or other obligation to indemnify the legal representative or representatives of each and every deceased trustee and trustees who shall make such request as aforesaid, his, her and their lands, tenements, goods and chattels of, from and against all bonds, debts, covenants, obligations, notes, judgments, claims and demands whatsoever, which such deceased trustee or trustees had entered into or become subject or liable to, on account or in respect of the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or otherwise on account or in respect of the due execution of the trusts of these presents or of any of them, or in place or stead of such bond or other obligation of indemnity, shall and will (at the choice and discretion of such surviving trustees for the time being, upon such request and at such cost and charges as last aforesaid) cause or procure such legal representative or representatives as aforesaid to be well and effectually released or otherwise discharged of, from and against all and every such bonds, debts, covenants, notes, judgments, claims and demands as last aforesaid, and of and from every of them, and every part and parcel thereof respectively.

THIRD SCHEDULE.

Declaration made in pursuance of section three of *The Free Methodist Church of Ontario Act, 1884*, passed in the forty-seventh year of the reign of Her Majesty Queen Victoria and chaptered

Know all men by these presents, that whereas we (*setting out the name of trustees or majority of trustees holding lands*) do hold the lands and premises hereinafter set out as (*give name of trustee bard as contained in deed granting to them*) we in pursuance of the provisions of section four of an Act passed in the forty-seventh year of the reign of Her Majesty, chaptered , do hereby declare, that from and after the date of the registration hereof, we hold the said lands and premises under the provisions of the "Model Deed" as altered by the said Act, under the name of the Trustees of the congregation of the Free Methodist

Methodist Church of Ontario, in Canada, and the said lands and premises are described as follows, that is to say (*insert description*).

In witness whereof we have hereunto set our hands and seals this day of A.D. 18 .

Signed, sealed and delivered in }
duplicate in the presence of } [L.S.]

FOURTH SCHEDULE.

Know all men by these presents, that whereas by a deed bearing date the day of , 18 , made between (*set out the parties*), the lands and premises following, that is to say (*setting out lands*), were granted to (*setting out names of trustees*), as trustees (*setting out name by which the trustee board is described in deed*); and whereas (*setting out name or names*) has (*or have*) died (*resigned, withdrawn, ceased to be a member, or removed to a distance*), whereby his (*or their*) place (*or places*) has (*or have*) become vacant; *or*: and whereas it has been deemed advisable to increase the number of said trustees to (*giving number*), now we (*setting out names of the Official Board of members of quarterly Conference, as the case may be*) do hereby declare that we have appointed and do hereby appoint (*setting out name or names of appointees*) to be a trustee (*or trustees*) of the congregation of the Free Methodist Church of Ontario, in Canada, conjointly with (*setting out names of trustee or trustees holding office*) now holding office as trustees of said congregation.

In witness whereof we have hereunto set our hands and seals this day of , 18 .

Signed, sealed and delivered in }
duplicate in the presence of } [L.S.]

CHAPTER 86.

An Act Respecting the Synod of the Diocese of Huron.

[Assented to 25th March, 1884.]

WHEREAS doubts exist whether the Incorporated Synod Preamble, of the Diocese of Huron have power to mortgage lands held by them under the Act of incorporation of the said Synod passed in the thirty-eighth year of Her Majesty's reign and chaptered seventy-four, and also whether the said Synod

Synod have power from time to time in their discretion to determine and declare how many of their members shall form a quorum for the transaction of business; and it is expedient that such doubts be removed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to mortgage lands.

1. The said the Incorporated Synod of the Diocese of Huron have always had under their said Act of incorporation, and shall hereafter have thereunder and hereunder, full power and authority to mortgage any lands vested in the said Synod by the said Act, or which have since the passage of the said Act or may at any time hereafter, under or by virtue of the said Act, become vested in the said Synod.

Power to declare number necessary to form a quorum.

2. Under and by virtue of the said Act the said Synod has had in the past, and shall have hereafter, full power and authority to declare and determine, from time to time in their discretion, how many of their members, clergy and laity respectively, shall be sufficient to form a quorum of said Synod for the transaction of any particular business or of general business, and from time to time in their discretion to vary said quorum, any Act, matter or thing to the contrary notwithstanding.

Pending actions not affected.

3. Nothing in this Act contained shall affect any pending action.

CHAPTER 87.

An Act to amend the Act to Incorporate Knox College.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS, by an Act of the Parliament of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, chapter sixty-nine, entitled "An Act to Incorporate Knox College," certain persons therein named, and all and every such other person or persons as then were or should at any time thereafter be ministers of the Presbyterian Church of Canada, or members of the said church, in full communion, should thenceforth be a body corporate under the name of "Knox College," with perpetual succession and a common seal, and with the powers vested in corporate bodies by "The Interpretation Act," and also with power among other things to purchase, acquire, have, take, hold and enjoy by gift, grant, conveyance, devise, bequest or otherwise, to them and their successors,

successors, any estate or property, real or personal, to and for the use of the said College in trust for the promotion of theological learning and the education of youth for the holy ministry according to the principles and standard of the Presbyterian Church of Canada, and also with power to let, convey, or otherwise dispose of such real or personal estate from time to time as might be expedient; and whereas it was thereby among other things enacted that the College might acquire any real estate, other than what was required for the purposes of college buildings, offices and residences for professors, tutors, students and officers, with gardens or pleasure grounds pertaining thereto, or any interest therein by gift, devise, or bequest, if made at least six months before the death of the party making the same, and the said College might hold such estate for a period of three years, and invest the proceeds of the sale of such property in the public securities of the said Province, stocks of Chartered Banks, or other approved securities for the use of the said College; and whereas the said College, under the authority of the General Assembly of the Presbyterian Church in Canada, has established an Endowment Fund, the annual income and proceeds whereof are to be applied towards payment of the salaries of the professors, lecturers and tutors of said College, and of the annual expenses connected with the maintenance of the said College; and whereas the said College has represented that it would be for the advantage of said College if the term during which the College may hold real estate or any interest therein, not required for buildings, offices, residences, or gardens as aforesaid acquired by gift, devise, or bequest, as aforesaid, should be extended to seven years; and whereas the said College has also represented that it would be for the benefit of the College and tend to the security and permanence of said Endowment Fund if the College were authorized to invest the moneys of said College, whether appropriated for said Endowment Fund or otherwise, in the securities mentioned in said Act of Incorporation and also in mortgage and other securities, as herein-after provided by this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Knox College may hold lands, tenements, or interests therein, acquired by gift, devise, bequest or purchase, and not required for the purposes specified in the said Act, passed in the twenty-second year of Her Majesty's reign, and chaptered sixty-nine, for a period not longer than seven years from the acquisition thereof, and within such period they shall be absolutely disposed of by the said corporation, which shall have power to grant and convey the said lands to any purchaser, and the proceeds of said sales, and all or any part of the moneys of the said corporation appropriated to the said Endowment Fund

Lands not required for purposes specified in 22 V., c. 69, may be held for seven years.

Securities in which moneys may be invested.

Proviso.

Fund or otherwise, may be invested from time to time in the securities mentioned in the said Act, and also in mortgage securities over real estate, whether freehold or leasehold, and also in municipal debentures or the debentures of any society or company in which any trustee, under section one of chapter twenty-one of the Acts passed in the forty-second year of Her Majesty's reign, may invest any trust fund; provided always, that no lands, tenements, or interests therein, which may be acquired by the said corporation by gift, purchase, devise, bequest, foreclosure, or otherwise, and not required by the corporation for the purposes specified by the said Act, shall be held by the said corporation for a period longer than seven years after the acquisition thereof, and within that period they shall be absolutely disposed of by the said corporation, and such lands, tenements or interests therein as have not within the said period been so disposed of shall revert to the person from whom the same were acquired, his heirs, executors, administrators and assigns.

CHAPTER 88.

An Act Respecting the Union of Certain Methodist Churches therein named.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the Methodist Church of Canada, the Methodist Episcopal Church in Canada, the Primitive Methodist Church in Canada, and the Bible Christian Church of Canada have agreed to unite under the name of "The Methodist Church," on the Basis of Union adopted by the said four denominations, and the Rules, Regulations and Discipline also adopted by the said four denominations in a General Convention or Conference, assembled at the City of Belleville, on the fifth day of September, 1883, which Basis of Union, Rules, Regulations and Discipline are found in the Journal of the said Conference, published at the City of Toronto, by the Reverend William Briggs, in the said year, and also in the Book of Discipline published by the said Reverend William Briggs at Toronto in the year 1884; and whereas the said four denominations have by petition set forth that they are desirous of having the said union ratified, and have petitioned the Parliament of Canada for an Act to incorporate the said Churches under the name of "The Methodist Church," and are desirous of having an Act passed by the Legislature of this Province to ratify and confirm the said union, and to vest in the said Methodist Church all the property in Ontario now vested or held in trust for each of the said Churches, upon the trusts set forth in the Schedule A to this Act, and to confer upon the said Church such

such further powers as may be requisite; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So far as the Legislature of Ontario has authority to enact, the said Basis of Union of the said Churches is hereby ratified and confirmed. Basis of Union ratified.

2. As soon as the said Act of incorporation shall come into force, all the property, real and personal, within the Province of Ontario, now belonging to or held in trust for or to the use of the said denominations or any of them, or belonging to or held in trust for or to the use of any corporation under the government, or control of any of the said four denominations, shall henceforth be vested in and held, used, and administered for the benefit of the said Methodist Church, upon the trusts and for the ends and purposes declared in said Act of incorporation. Property of the denominations to be vested in the Methodist Church.

3. As soon as the said Act of incorporation shall come into force, all the property, real or personal, within the Province, now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said denominations, shall henceforth be held, used and administered for the benefit of the said Methodist Church upon the trusts set out in the said schedule to this Act, and the trustees acting on said trusts for any of said Congregations at the date of the coming into force of this Act shall, notwithstanding any irregularity in their appointment, and notwithstanding their number shall not correspond with the number named in the deed of conveyance of said property, be deemed to be, and shall be, the trustees of the said property named in said deed; provided, however, that if said number be less than five, the same shall be increased to at least five, so soon as conveniently may be after the said date of coming into force of this Act. Property of congregations to be held for the benefit of the Methodist Church.

Proviso,

4. The form of words contained in column one of said schedule, and distinguished by any number therein, shall be taken to be equivalent to the form of words contained in column two of said schedule and distinguished by the same number. Where words in column 1 of schedule to be taken as equivalent to words in column 2.

5. As soon as the said Act shall come into force, the Corporation of Alma College at St. Thomas shall stand in the same relation to the Methodist Church in which it now stands to the Methodist Episcopal Church in Canada, and all provisions of an Act passed in the fortieth year of Her Majesty's reign, chaptered 64, intituled "*An Act to Incorporate Alma College at St. Thomas,*" and an Act passed in the forty-third year of Her Majesty's reign, and chaptered 81, intituled "*An Act to amend the*" The Corporations of Alma College, Wesleyan Ladies' College and Ontario Ladies' Coll. to stand in the same relation to the Methodist Church as they previous-

ly stood to the several denominations.

the Act Incorporating Alma College," shall continue to apply to the said College Corporation; and all rights, powers and authorities by said Act vested in the General and Annual Conferences respectively of the Methodist Episcopal Church in Canada shall be vested in, applied to, and be exercised by the General and Annual Conferences respectively of the Methodist Church; and the Corporation of the Wesleyan Ladies' College at Hamilton shall in like manner stand in the same relation to the Methodist Church in which it now stands to the Methodist Church of Canada; and all the provisions of an Act of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, and chaptered 112, intituled "*An Act to Incorporate the Wesleyan Female College of Hamilton,*" as amended by an Act of the Province of Ontario passed in the thirty-third year of Her Majesty's reign, and chaptered 53, and further amended by an Act passed in the forty-fifth year of Her Majesty's reign, and chaptered 88, shall continue to apply to the said College and Corporation; and all the rights, powers and authorities by the said Act vested in the Conference of the Methodist Church of Canada shall be vested in, applied to, and be exercised by, the General Conference of the Methodist Church; and the Corporation of the Ontario Ladies' College shall in like manner stand in the same relation to the Methodist Church in which it now stands to the Methodist Church of Canada; and all the provisions of an Act passed in the forty-first year of Her Majesty's reign, and chaptered 68, shall continue to apply to said College and Corporation; and all the rights, powers and authorities by the said Act vested in the General or Annual Conference of said Methodist Church of Canada shall be vested in, applied to, and exercised by, the General Conference of the Methodist Church or the Annual Conference within whose limits said College may be situate.

Corporation to have powers, etc., conferred on Wesleyan Methodist Church by 14-15 V. c. 142, and 38 V. c. 78.

6. The said corporation shall have for the purposes and objects thereof all the powers, rights, privileges and franchises conferred upon the connexional society of the Wesleyan Methodist Church in Canada by the Act of the Legislature of the late Province of Canada, passed in the fourteenth and fifteenth years of the reign of Her Majesty, chapter 142, as amended by the Act of the Legislature of this Province, passed in the thirty-eighth year of the reign of Her Majesty, chapter 78.

Deeds of conveyance heretofore executed to be valid as if registered within 12 months after execution.

7. All deeds of conveyance executed before the passing of this Act for any of the uses, interests or purposes of any of the above-mentioned denominations, shall be valid and effectual in the same manner and to the same extent as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the lands embraced in the said deeds, and the non-registration of any such deed or conveyance executed before or after the passing of this Act shall not render the same void.

8. All copies of the Basis of Union, Rules, Regulations, and Discipline, or any amendments or alterations thereof published in any Book of Discipline or Minutes of Conference under the direction or authority of the General Conference of the said Church, or a copy of any By-law or Resolution of said General Conference, purporting to be certified to be a true copy, under the seal of the Corporation, and the hand of the Secretary of the General Conference, shall be *prima facie* evidence in all courts of the contents thereof.

Evidence of
Basis of
Union, Rules,
etc.

9. All Acts and portions of Acts inconsistent with the provisions of this Act are hereby repealed, in so far as may be necessary to give full effect to this Act.

Repeal.

10. This Act may be known and cited as "*The Methodist Church Act, 1884*," and shall come into force on the first day of June next, after the passing thereof.

Short title.
Commence-
ment of Act.

SCHEDULE A.

COLUMN ONE.

COLUMN TWO.

1. Upon trust to build a church and other buildings.

1. Upon trust that they, the said trustees and their successors, or the trustee or trustees for the time being, acting in the trusts herein, shall and do with and out of the moneys now or which may hereafter be possessed by them or him for that purpose, and as soon as conveniently may be, erect and build upon the land held in trust, or some part thereof, and from time to time and at all times hereafter, whenever it shall be necessary for the due accomplishment of the trusts or any of them, repair, alter, enlarge and rebuild a church or place of religious worship, and a dwelling-house or dwelling-houses, vestry room or vestry rooms, school room or school rooms and other offices, conveniences and appurtenances, or with or without any of them respectively, as the trustees for the time being shall, from time to time, deem necessary or expedient.

2. To permit buildings to be

2. And upon further trust, from time to time, and at all times after the erection

used as a church by the Methodist Church.

tion thereof, to permit and suffer the said church or place of religious worship, with the appurtenances to be used, occupied and enjoyed as and for a place of religious worship by a congregation of the Methodist Church, and for public and other meetings and services of a religious or spiritual character, held according to the rules, discipline and general usages of the said church, and do and shall, from time to time, and at all times hereafter, permit and suffer such person or persons as are hereinafter mentioned or designated, and such person or persons only, to preach and expound God's Holy Word, and to perform the usual acts of religious worship therein, and burial service in the burying ground thereto belonging; that is to say, such person and persons as shall be from time to time approved, and for that purpose duly appointed thereto in accordance with the rules and discipline of the said Methodist Church, and no other person or persons whomsoever.

3. To permit dwelling-house on said premises to be used by the minister in charge.

3. And upon further trusts from time to time, and at all times hereafter, to permit and suffer such minister or ministers of the aforesaid Methodist Church to reside in, use, occupy and enjoy free from the payment of any rent for the same, the dwelling house or dwelling houses, with the appurtenances (if any there be) erected thereon for that purpose, during such time and times as the said minister or ministers shall and may be duly authorized so to do, by his or their being appointed in accordance with the rules and discipline of the said Methodist Church, to the circuit or station in which the same may be situated, without the let, suit, hindrance, or denial of the said trustees, or of any person or persons on their or any of their behalf; and it is hereby declared that the times and manner of the various services and ordinances of religious worship to be observed and performed in the said place of religious worship, shall be regulated according to the rules and discipline and general usage of the Methodist

dist Church, and that the officiating minister for the time being, whether appointed by the said conference, or permitted or appointed by the said superintendent minister for the time being, or otherwise permitted or appointed, as in these presents is mentioned, shall have the direction and conducting of the same worship, in conformity, nevertheless, to the said rules and discipline and general usage of the said Methodist Church; Provided always, that no person or persons whomsoever shall at any time hereafter be permitted to preach or expound God's Holy Word, or to perform any of the usual acts of religious worship upon the said parcel or tract of land and hereditaments, or in the said church or place of religious worship and premises, or any of them, or any part or parts thereof, or in or upon the appurtenances thereto belonging, or any of them, or any part or parts thereof, who shall maintain, promulgate or teach any doctrine or practice contrary to what is contained in certain notes on the New Testament, commonly reputed to be the notes of John Wesley, and in the first four volumes of sermons commonly reputed to be written and published by him.

4. To permit Sunday schools to be carried on in said church.

4. And upon further trust, in case a school room or school rooms shall be erected or provided upon the said parcel or tract of land, or any part thereof, as aforesaid, or if there shall be no separate school room or school rooms, and it shall, by the said trustees, or the major part thereof, be thought necessary or expedient to hold and teach a Sunday school in any proper part of the said church or place of religious worship, then to permit and suffer a Sunday school to be held, conducted and carried on from time to time in said school room, or school rooms, or if it shall be thought necessary or expedient, as aforesaid, in the said church or place of religious worship, as aforesaid, but if in the said church or place of religious worship, then only at such hours and times as shall not interfere with the public worship of Almighty

* Almighty God therein, and in all cases, whether in said church or place of religious worship or not, under such government, orders and regulations as the general conference of the said Methodist Church have directed or appointed, or shall hereafter, from time to time, direct or appoint, and also subject always to the proviso hereinbefore contained respecting doctrines.

5. To take down and remove buildings, and to rebuild.

5. Provided always, that it shall be lawful for the said trustees, or the major part of them, when and so often as they shall deem the same necessary or expedient, to take down and remove the said church, vestry room or vestry rooms, school room or school rooms, dwelling-house or dwelling-houses, offices, conveniences or appurtenances to the said church or place of religious worship or premises belonging or appertaining, or all or any of them, or any part or parts thereof, respectively, for the purpose of rebuilding the said church or place of religious worship, or for the purpose of rebuilding any other vestry room or vestry rooms, school room or school rooms, dwelling-house or dwelling-houses, offices, or conveniences or appurtenances, or enlarging or altering the same respectively, or all or any of them, so as to render the premises better adapted to and for the due accomplishment of the trusts, intents and purposes of these presents.

6. To mortgage.

6. It is hereby declared that from time to time, and at all times hereafter, it shall and may be lawful to and for the said trustees, or the major part of them, to mortgage and for that purpose to appoint, convey and assure, in fee or for any term or terms of years, the said parcel or tract of land, church or place of religious worship, hereditaments and premises or any part or parts thereof respectively, to any person or persons whomsoever for securing such sum or sums of money as may be requisite or necessary in or for the due execution and accomplishment of the trusts and purposes

poses of these presents or any of them, according to the true intent and meaning thereof; but it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, or upon any intended mortgagee or mortgagees of the said trust premises, or any part or parts thereof, to inquire into the necessity, expediency, or propriety of any mortgage or mortgages which shall be made or proposed to be made, under or by virtue of these presents, nor shall anything in these presents contained, or which may be contained in any such mortgage or mortgages, extend or be construed to extend, unless where the contrary shall, with the full knowledge and consent of the said trustees, or the major part of them, be therein actually expressed, to hinder, prevent or make unlawful the taking down, removing, enlarging or altering the said buildings and premises, or any of them respectively, as in these presents before-mentioned and provided for in that behalf, nor in any manner to hinder, prevent or interfere with the due execution of the trusts or purposes of these presents, or any of them, so long as such mortgagee or mortgagees, his, her, or their heirs, executors, administrators and assigns shall not be in the actual possession as such mortgagee or mortgagees of the hereditaments comprised or to be comprised in such mortgage or mortgages, anything in these presents contained to the contrary in anywise notwithstanding.

7. To let pews and sittings and dwelling-houses, and to sell graves and tombs.

7. And upon further trust, from time to time, and at all times hereafter to let the pews and seats in the said church or place of religious worship at a reasonable rent or reasonable rents (reserving as many free seats where and as may be thought necessary or expedient), and if there shall be any such-dwelling-house or dwelling-houses, school room or school rooms, or other building or buildings, or any of them, erected and built as aforesaid, then to let the same or any of them (other than such as shall or may have been erected and built for or appropriated to the use and occupancy

occupancy of the minister or ministers duly appointed to the circuit or station in which the same shall be situated), at a reasonable rent or reasonable rents, and also, if there shall be a cemetery or burial ground, to let vaults or tombs at a reasonable rent or reasonable rents, or to sell graves and tombs at a reasonable price or reasonable prices, and to collect, get in and receive the rents, profits and income to arise in any manner from the said premises (excepting moneys which shall, from time to time, arise from collections or subscriptions duly made therein according to the rules and discipline and general usage of the said Methodist Church, for other purposes than the immediate purpose of the said trust estate) as, and when, the same shall, from time to time, become due and payable, but not (excepting as to moneys, from time to time received from graves and tombs) by way of anticipation, further than for the quarter or half-year or year, as may be thought most expedient. Provided always, that when and so often as such dwelling-house or dwelling-houses as may have been erected for the express use of the minister or ministers of the circuit or station, shall not be required for the use of such minister or ministers, it shall and may be lawful for the said trustees, by and with the advice and consent of the superintendent minister of the circuit or station, to let the same and appropriate the rent derived therefrom towards paying and satisfying the board and lodging of such minister or ministers, or towards paying the rent for a more suitable and convenient residence or residences for such minister or ministers.

8. Trustees to hold moneys arising therefrom upon trust, to pay taxes, insurance and for repairs, also interest and expenses incurred in the execution of the trusts hereof.

8. And it is hereby declared that the said trustees and trustee for the time being shall stand and be possessed of the money arising from the said rents, profits and income (except as aforesaid), upon trust, thereout to pay, in the first place, such duties, taxes, rates and other outgoings (if any) as, from time to time, shall be lawfully payable in respect of the said premises or any part or parts thereof, and also

also the costs, charges and expenses of insuring and keeping insured the said trust premises against loss or damages by fire, in such sum or sums as the said trustees or the major part of them shall, from time to time, think proper or expedient, and in repairing and keeping the said trust premises in good repair and condition; and likewise the interest of all principal moneys borrowed and then due and owing on security of the said trust premises or of any part or parts thereof, by virtue of the trusts hereof, and then to retain to and reimburse themselves respectively all costs, charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts hereof or any of them, and in the next place thereout to pay and discharge the necessary costs, charges and expenses, from time to time incurred in cleansing, warming, lighting and attending to the said church or place of religious worship and premises, and generally to liquidate any debts, costs, charges and incumbrances and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts hereof or any of them, and not included in any of the provisions aforesaid.

9. To apply surplus towards payment of ministers in charge, assisting funds of other churches, building new church or subscribing to charities.

9. And upon further trust from time to time to pay and apply any surplus money remaining after the due payment of all such lawful debts, costs, charges, incumbrances and expenses as aforesaid (but according and in conformity to the rules and discipline of the said Methodist Church), for or towards the support of the minister or ministers for the time being respectively, appointed by the said conference or otherwise as aforesaid, either on the circuit in which the said chapel or place of religious worship shall, for the time being, be situated, or on that and some other circuit or circuits, or in some other circuit or circuits only, or for or towards the purpose of assisting or increasing the funds of any other church or place of religious worship, or churches or places of religious worship, appropriated to the use of the said Methodist Church, or in building any new church or place of religious

religious worship, or churches or places of religious worship, for the use of the said Methodist Church, and which shall be settled upon trusts, ends, intents and purposes similar hereto; or in subscribing or giving to any of the general funds, objects or charities of the said Methodist Church; or for or towards all or any of the purposes, objects, funds or charities hereinbefore mentioned, in such manner as the said trustees, or the major part of them shall, from time to time, think necessary or expedient; and it is hereby declared that it shall be lawful for the said trustees, or the major part of them (although there shall not then be any such surplus money as aforesaid), from time to time, to subscribe or give such sum or sums of money as they shall think necessary or expedient, and may be conveniently spared from the funds of the said church or place of religious worship, for or towards all or any of the purposes, objects, funds or charities aforesaid.

10. To appoint and remove stewards and treasurers.

10. And it is hereby declared that it shall be lawful for the said trustees, or the major part of them, at any meeting to be convened and held, as hereinafter mentioned, from time to time, and at all times hereafter at their discretion, to appoint any person or persons of decent and sober conduct and good reputation to be a steward or stewards of the said church or place of religious worship, and at their will and pleasure to remove and dismiss such steward or stewards, or any of them; and the duty of the steward or stewards of the said church or place of religious worship shall be to see and attend to the orderly conducting of the secular business and affairs of the said church or place of religious worship, under the direction and superintendence of the said trustees, or the major part of them; and also in like manner to appoint any proper person or persons to be a treasurer or treasurers of the funds of the said church or place of religious worship and premises, and at their will and pleasure to remove and dismiss such treasurer or treasurers, or any of them.

11. To keep books of account and submit the same for audit.

11. And it is hereby declared that the said trustees shall themselves, or by their steward or stewards, treasurer or treasurers, keep a book or books of account in which, from time to time, shall be plainly, legibly and regularly extended an account of every receipt and disbursement by them, him or any of them received or made, and also of all debts and credits due to and owing from or in respect of the said trust premises or any part or parts thereof, and also of all other documents, articles, matters and things necessary for the due and full explanation and understanding of the same book or books of account, and shall also in like manner keep a book or books of minutes in which, from time to time, shall be plainly, legibly and regularly entered minutes of all trustee meetings from time to time held under or by virtue of these presents, and of the resolutions passed, and of all proceedings, acts and business had, taken and done thereat, and also of all documents, matters and things necessary for the due and full explanation and understanding of the same minutes, and all other things done in and about the execution of the trusts hereof; and shall and will, from time to time, and at all seasonable times hereafter, upon the request of the superintendent minister for the time being of the circuit in which the said church or place of religious worship shall, for the time being, be situated, produce and show forth to him and to every person whom he shall desire to see the same, all and every such book or books of accounts and minutes, documents, articles, matters and things, and permit and suffer copies or abstracts of or extracts from them or any of them to be made and taken by the said superintendent minister or any person or persons whom he shall, from time to time, desire to make and take the same, and the said book and books of accounts and minutes, and all documents, articles, matters and things relating in any wise to the said trust premises shall, at least once in the year and oftener, if the said superintendent shall at any time desire, and shall

give

give notice thereof in manner hereinafter mentioned, be regularly, upon a day to be appointed by the said superintendent for the time being, or with his concurrence, examined and audited by the superintendent and the circuit steward or circuit stewards, if more than one, for the time being, of the circuit in which the said church or place of religious worship shall, for the time being, be situate, at a meeting convened for that purpose, and of every such meeting fourteen days' notice in writing, specifying the time, place and purpose of such meeting, shall and may be given under the direction of the said superintendent for the time being, by any one or more of them, the said trustee or trustees for the time being, to each and every the other and others of them, the said trustees or trustee, circuit stewards and circuit steward, for the time being, and either personally served upon him and them respectively, or left for or sent by the post to him and them at his and their most usual place and places of abode or business; and in order to facilitate the auditing of the said accounts, minutes, documents, articles, matters and things, it shall be lawful for the said superintendent, circuit steward and circuit stewards for the time being as aforesaid, or either or any of them, to appoint in writing a deputy or deputies to act therein for them and him respectively, as aforesaid, and for that purpose any one or more of them may be the deputy or deputies of the other or others of them the said superintendent, circuit steward and circuit stewards, and it is hereby declared that the signatures of all of them the said auditors, deputies and deputy, or of the aggregate majority of them, written in the said book and books of accounts and minutes, respectively, shall be sufficient evidence that all the matters and things relating to the said trust premises, which were up to that time included in the said books, accounts, minutes and documents, matters and things, were duly examined, audited and approved of, unless and except so far as the contrary shall be therein by them,

or

or by the aggregate majority of them, in writing expressed.

12. And it is hereby declared that seven days' notice of a special meeting and convenient notice of other meetings of trustees shall be given.

12. And it is hereby declared that every meeting for the purpose of taking into consideration the propriety of making any alteration of or any addition to or mortgage or sale of the said church or place of religious worship and premises, or any part or parts thereof, or for contracting any debt upon, for or on account thereof (other than for the ordinary current expenses thereof), or for letting any such house or houses, school room or school rooms as aforesaid, or for fixing the rents or prices, or making or altering rules to ascertain the rents or prices of such graves, tombs, pews and seats as aforesaid, or for appropriating the funds or any part of the funds of the said church or place of religious worship (otherwise than for the due payment of the ordinary current expenses thereof), or for bringing or defending any action or actions, suit or suits, respecting the said trust estates and premises or any parts thereof, or any matter relating thereto, or for any one or more of the above purposes, shall be and shall be deemed and taken to be a special meeting; and of every such meeting seven days' notice in writing, specifying the time, place and purpose or purposes of such meeting, and signed by at least either two of the said trustees or by the superintendent minister for the time being, shall be given to the other and others of them and him the said trustees and superintendent minister (unless where he is himself the person giving such notice), and either personally served upon him and them, or left for, or sent by the post to him and them respectively, at his and their most usual place or places of abode or business; and for the purpose of transacting their ordinary business relating to the said church or place of religious worship and premises, or for any other purpose relating to these presents or trusts thereof (except where seven days' notice is expressed or required as hereinbefore mentioned), a meeting of the said trustees may be held with the said

said superintendent for the time being, as aforesaid, so soon as the same can be conveniently convened by notice in writing, specifying the time and place of such meeting, given and signed by at least either two of the said trustees or by the said superintendent for the time being, and either personally served upon or left for, or sent by the post as aforesaid, to the other and others of them respectively at his and their most usual place or places of abode or business; Provided always, and it is hereby declared, that no meeting held under or by virtue of these presents shall be invalid, or the resolutions thereof void or impeached by reason that any such notice or notices as aforesaid, may not or shall not have reached any said trustee or trustees who, at the time of any such meeting, happens to be out of the Province, or who or whose place or places of abode or business shall not be known to and cannot reasonably be found or discovered by the person or persons who is or are respectively, as aforesaid, authorized to give any such notice or notices as aforesaid.

13. That a majority of the trustees shall rule, and that in case of a tie, the chairman shall give casting vote.

13. And it is hereby declared that at any meeting held under or by virtue of the trusts hereof, or any of them, the votes of the persons present and entitled to vote, or the votes of a majority of them, shall decide any question or matter proposed at such meeting and respecting which such votes shall be given; and in case the votes shall be equally divided, then the chairman of such meeting shall give the casting vote. And it is hereby declared that, whenever it shall be thought necessary or expedient to do anything in and by these presents directed, authorized or made lawful to be done, the necessity or expediency of doing the same shall in like manner be decided by the persons present and entitled to vote upon the question to be determined, or by the majority of them, and if there shall be an even division, then by such casting vote as aforesaid, and all acts and deeds done and executed in pursuance of any such decision as aforesaid at any such meeting

as aforesaid, shall be good, valid and binding on all persons entitled to vote at the meeting, who may be absent, or being present, may be in the minority, and on all other persons claiming under or in pursuance of these presents; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the same time or on the same question, although holding more than one office at the same time in the said church, or in the same meeting.

14. That the rules, discipline, doctrines and usages of the church shall be in force, subject to the proviso respecting doctrines herein contained.

14. And it is hereby declared that the "rules and discipline and general usage" of the said Methodist Church in these presents mentioned or referred to, are the rules and discipline of the said church, as printed and published by authority of the said conference, in a book entitled "Doctrines and Discipline of the Methodist Church" and the general usage and practice of the societies belonging to said church, and such rules and regulations as may, from time to time, be made or adopted by the said general conference, and printed and published in their journals, in accordance with the provisions contained in said book of discipline, but subject at all times to the proviso respecting doctrines in these presents contained.

15. That superintendent minister or his deputy shall be chairman of meetings of trustees, but in case of absence, trustees may appoint chairman.

15. Provided always, and it is hereby declared, that excepting where the contrary is in these presents expressly declared or provided for, the superintendent minister, for the time being, of the circuit or station in which the said church or place of religious worship shall, for the time being, be situated, or his deputy thereunto from time to time by him nominated and appointed in writing, under his hand, shall be the chairman of, and shall preside at, and shall have a casting vote as such superintendent minister, for and in all meetings held under and by virtue of these presents, but in case the said superintendent minister for the time being, or his deputy to be so appointed as aforesaid, shall at any time neglect

neglect to attend at any such meeting as aforesaid, or if the superintendent minister, or his deputy appointed as aforesaid, shall attend but shall refuse to act as such, the chairman at any such meeting as aforesaid, or if the said superintendent minister shall not attend at any such meeting, and shall neglect to appoint a deputy as aforesaid, then and in every and any of the said cases, it shall be lawful for the persons for the time being composing such meeting and entitled to vote thereat, or for a majority of them, to elect and choose from among themselves a chairman to preside for the time being at any such meeting as aforesaid, and every meeting so held upon any such neglect or refusal of the said superintendent minister or his deputy as aforesaid, shall be as valid and effectual as if the said superintendent or his deputy as aforesaid had been the chairman thereof and had presided thereat.

16. Proviso for sale of land with consent of Conference.

16. Provided always, and it is hereby declared, that it shall and may be lawful to and for the said trustees, or a majority of them, with the consent of the said annual conference (such consent to be testified in writing under the hand of the president or secretary for the time being of the said conference), either by joining in the deed of conveyance for the purpose of expressing such consent, or by separate document, at any time or times hereafter, absolutely to sell and dispose of the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or of such part or parts of the same, respecting which such consent in writing as aforesaid shall be given, either by public sale or private contract, and together or in parcels and either at one and the same time or at different times and prices, for the best price or prices, in money, that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold to the purchaser or purchasers thereof, his, her or their heirs and assigns, or as he, she, or they shall direct or appoint; and the hereditaments and premises

premises so sold and conveyed and assured as aforesaid shall thenceforth be held and enjoyed by the purchaser or purchasers thereof, his, her and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents, and from the trusts hereby declared and every of them; and the said trustees or trustee for the time being shall apply the money which shall arise from every such sale as aforesaid, so far as the same will extend, to the discharge of all the incumbrances, liabilities and responsibilities, whether personal or otherwise, lawfully contracted or occasioned by virtue of these presents, or in the due execution of the trusts hereof, or of any of them, and subject thereto, and to the payment of any debts upon any other church property on the said circuit, or for building new churches, or for the purpose of procuring larger and more conveniently or eligibly situated parcel or tract of land and church or place of religious worship and parsonage premises, in the place and stead of the said parcel or tract of land and church or place of religious worship or parsonage and hereditaments and premises so sold or disposed of, and the balance, if any, to be applied to the use of the church parsonage aid fund of the said Methodist Church and the said annual conference. Provided, however, that if any such church or property so sold belonged to the Bible Christian Church prior to the union of the said church with the other Methodist Churches, the surplus, after payment of debts, shall be applied to the reduction of the missionary debts, as provided in the basis of union.

17. Proviso for sale in case trust premises shall be inadequate to meet and discharge interest and expenses.

17. Provided always, that if any time hereafter the income arising from the said parcel or tract of land, church or place of religious worship, hereditaments and premises, shall be inadequate to meet and discharge the interest of all moneys borrowed and then due and owing upon or on account of the said trust premises, and the various current expenses attending

ing the due execution of the trusts hereof, and if the said trustees, for the time being, of these presents, shall desire to retire and be discharged from the burden and execution of the said trusts, and if no such proper persons as are hereinafter mentioned or described can be found to take upon themselves the burden and execution of the said trusts, with the responsibility and liability to be thereby incurred, then in that case it shall be lawful for the said trustees, for the time being, as aforesaid, or the major part of them, of their own proper authority, and without any such consent by the said annual conference as aforesaid, to sell and dispose of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or any part or parts of the same, respectively, either by public sale or private contract, and either together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same ; and well and effectually to convey and assure the hereditaments and premises so sold, with the appurtenances, to the purchaser or purchasers thereof, his, her, or their heirs and assigns, or as he, she, or they shall direct or appoint ; and the hereditaments and premises so sold, and conveyed, and assured, as last aforesaid, shall thenceforth be held and enjoyed by the purchaser and purchasers thereof, his, her, and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents and the trusts hereby declared, and every of them ; and all the moneys arising from every such last-mentioned sale shall be applied, disposed of and appropriated, as far as the same money will extend, to the purposes and in the manner hereinbefore directed in respect to any sale made in pursuance or in consequence of such consent of or by the said annual conference, as aforesaid, but it is hereby declared that no sale shall be made by virtue of this present power or authority, unless the said trustees for the time being as aforesaid,

aforesaid, or a majority of them, shall give notice in writing to the said annual conference, or to the president for the time being of the said annual conference, on or before the first day of the then next annual meeting of the said annual conference, of their intention to make such sale, and the reasons for the same, nor unless the said annual conference shall, for the space of six calendar months next after the said first day of their said annual meeting, refuse or neglect either to give, grant or provide the said trustees or trustee for the time being with such pecuniary or other aid, assistance and relief as shall enable them and him to bear and continue the burden of the execution of the trusts of these presents, or, (as the case may be), to find and provide other trustees who will take upon themselves the burden of the execution of the said trusts.

18. And it is hereby declared that except in case of mortgage or sale the receipt of a majority of the trustees or of trustee, steward or treasurer duly authorized, shall be sufficient.

18. And it is hereby declared that the receipt and receipts of a majority of the said trustees for the time being shall, in all cases of payment made to them, or any of them as such trustees or trustee as aforesaid, be a full discharge to the person or persons entitled to such receipt or receipts, his, her and their heirs, executors, administrators and assigns, for all mortgage moneys, purchase moneys, or other moneys therein, respectively, expressed and acknowledged to have been received by any such trustees or trustee, as aforesaid, and in all cases, except for money paid and received in respect of any mortgage or sale of the said hereditaments and premises, or any part or parts thereof, as aforesaid, the receipt and receipts of any one or more of the said trustees for the time being, or any one or more of the stewards or treasurers for the time being, by the said trustees for the time being, or the major part of them, duly authorized to sign and give receipts, shall be a full discharge to the person and persons entitled to such receipt or receipts, his, her and their heirs, executors and administrators, for all moneys (except as aforesaid)

aforesaid) therein respectively expressed and acknowledged to have been received by any such trustee, steward or treasurer, as aforesaid.

19. That purchaser or mortgagee shall not be bound to inquire as to the necessity of sale or mortgage.

19. And it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, purchaser or purchasers of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof, respectively, to inquire into the necessity, expediency or propriety of any mortgage, sale or disposition of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof made or proposed to be made by the said trustees or trustee for the time being, or the major part of them, as aforesaid, or whether any such notice or notices, as aforesaid, was or were duly given, or was or were valid or sufficient, or whether any steward or stewards, treasurer or treasurers was or were duly authorized to sign and give receipts as aforesaid; nor shall it be incumbent upon any such mortgagee or mortgagees, purchaser or purchasers, or any of them, or for any other person or persons, his, her or their heirs, executors, administrators or assigns paying money to such trustees or trustee, or to their steward or stewards, treasurer or treasurers for the time being, as aforesaid, to see to the application, or to be answerable or accountable for the loss, mis-application or non-application of such purchase or other money, or any part thereof, for which a receipt or receipts shall be so respectively given, as aforesaid.

20. That trustees shall not be accountable for involuntary loss.

20. And it is hereby declared that the said trustees or trustee for the time being shall not, nor shall any of them, their or any of their heirs, executors or administrators, or any of them, be chargeable or accountable for any involuntary loss suffered by him, them or any of them, nor any one or more of them, or any other or others of them, nor for more money than shall come to their respective

spective hands, or for injury done by others to the said trust premises, nor to any part or parts thereof.

21. That number of trustees shall not be less than five nor more than twenty-one, and that vacancies are to be filled and number increased by nomination and appointment.

21. And it is hereby declared to be the true intent and meaning of this indenture and of the parties thereto, that the full number of the trustees of the said trust shall not be less than five (5) nor more than twenty-one (21), and that when and so often as any one or more of the said trustees or of their successors in the said trust shall die, resign office as trustee, by and with the consent of a two-thirds vote of the co-trustees, or withdraw from or cease to be a member or members of the said Methodist Church, according to the rules and discipline of the said church, or shall remove to such distance as shall in the opinion of his co-trustees, expressed by a two-thirds vote of said co-trustees, render it inexpedient for him to remain in said trust, the place of the trustee or trustees so dying, resigning, withdrawing, ceasing to be a member or members of the said church, or removing as aforesaid, shall thereupon become vacant, subject, however, to the provisos next hereinafter set out, and shall be filled with a successor or successors, being a member or members of the said church, of the full age of twenty-one years, to be nominated and appointed as follows, that is to say,—to be nominated by the Methodist Church minister having charge for the time being of the circuit or station in which the said hereby conveyed premises shall be situate, and thereupon appointed by the surviving or remaining trustee or trustees of the said trust or a majority of them, if he or they shall think proper to appoint the person or persons so nominated, and in case of an equal division of the votes of the trustees present at any meeting of the trustees held for the purpose of such appointment, the minister so in charge of the said circuit or station shall have a casting vote in such appointment. Provided always, that no such consent as aforesaid shall be given while any vacancies remain unfilled, nor shall the

the trustees consent to the resignation of more than one trustee by any one vote. Provided also, that notwithstanding the withdrawal by a trustee from his membership in the said church, his powers and liabilities as a trustee shall not cease unless his place in the trust shall be declared vacant by a two-thirds vote of the remaining trustees, which declaration it shall be in their power to make, on their being convinced that he has withdrawn as aforesaid, provided that no prior vacancy remain then unfilled, and provided that not more than one vacancy shall be declared by any one vote; and if at any time it shall be deemed advisable to increase the number of trustees to a number greater than that appointed hereby, not exceeding twenty-one, then the person or persons whom it is desired to appoint as such new trustee or trustees shall be nominated and appointed as is next hereinbefore provided for the filling of vacancies; and if it shall happen at any time that there shall be no surviving or remaining trustee of the said trust, in every such case it shall and may be lawful for the minister aforesaid to nominate, and the quarterly meeting of the circuit or station, if they approve of the person or persons so nominated, to appoint the requisite number of the trustees of the said trust, by the vote of the majority of the members of the said meeting then present, and in case of an equal division of their votes, the chairman of the said meeting shall have the casting vote in such appointment, and the person or persons so nominated and appointed trustee or trustees in either of the said modes of nomination and appointment shall be the legal successor or successors, co-trustee or co-trustees of the said above-named trustees, and shall have in perpetual succession, the same capacities, powers, rights, duties, estates and interests as are given to the above named trustees in and by these presents, and in and by any Act or Acts of Parliament affecting the same.

22. To fix quorum, etc.

22. It is hereby declared that a majority

urity of the said trustees shall form a quorum, all having been duly notified; and when a majority or two-thirds vote may be required for any purpose, it shall be held to mean a majority or two-thirds, as the case may be, of any such meeting.

23. To fix time for placing financial statement before quarterly official meeting.

23. A full and accurate financial statement, duly audited, shall be laid before the first quarterly official meeting after the first day of January in each year.

CHAPTER 89.

An Act Respecting Churchwardens in the Diocese of Toronto.

[Assented to 25th March, 1884.]

WHEREAS doubts have arisen as to the sufficiency of the Preamble. Church Temporalities Act, passed in the third year of Her Majesty's reign, and chaptered seventy-four, and of the Diocesan and Provincial Synods' Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, and chaptered one hundred and forty-one, and the Incorporated Synod of the Diocese of Toronto have, by their petition, prayed for an Act to make further provision in the premises; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The Churchwardens for the time being of any Church in the Diocese of Toronto, in the Province of Ontario, in communion with the Church of England in Canada, elected or appointed under the provisions of the Church Temporalities Act, passed in the third year of Her Majesty's reign, and chaptered seventy-four, or of any canon passed or to be passed by the Incorporated Synod of the Diocese of Toronto, under the powers conferred on such Synod by any Act of the Legislature, shall, whether they be Churchwardens of pewed or of free churches, besides possessing the powers and authorities conferred upon such Churchwardens by any Act of the Legislature now in force, be a corporation with perpetual succession under the name of "The Churchwardens of the Church of _____, in the _____," to represent the interests of the church of which they are so elected or appointed Churchwardens and of the members thereof, and shall and may sue and

Churchwardens of free as well as of pewed churches to be a corporation.

Proviso.

and be sued, answer and be answered unto, in all manner of suits, actions and proceedings whatsoever, for and in respect of such churches and churchyards and all matters and things appertaining thereto; Provided always, that nothing herein contained shall be so construed as to make the provisions of the Church Temporalities Act, as to the renting or sale of pews, apply to free churches so long as they continue free.

CHAPTER 90.

An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS the Incorporated Synod of the Diocese of Toronto have, by their petition, represented that in order to enable them effectually to execute the rights, powers, duties and trusts conferred upon and reposed in them by the Act passed in the forty-first year of the reign of Her Majesty, chaptered sixty-nine, and intituled "*An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto*," and the several Acts and parts of Acts dealt with or referred to in the said last mentioned Act, being the Act of the Legislature of this Province, passed in the thirty-ninth year of the reign of Her Majesty, chaptered one hundred and nine, and the Act of the Province of Canada, passed in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered sixteen, it is desirable and necessary that the lands dealt with in the said Acts should be vested in the said incorporated synod, and that further provisions should be made in regard thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands over which Synod has power of sale vested in Synod.

1. All lands over or in respect of which the said incorporated synod of the diocese of Toronto have by law power of sale, or other disposition, shall be and the same are hereby vested in the said incorporated synod of the diocese of Toronto and their successors, for all the estates and title respectively of the persons and corporations by whom the same have heretofore been or are now held, subject nevertheless to the same trusts concerning such lands to which the same are now subject.

Rents of unsold lands of rectories vacant since March 7, 1878, to be paid to Synod.

2. Whenever it has happened or shall hereafter happen that upon the death, retirement, or removal of any incumbent of any rectory in the diocese of Toronto, who was on the seventh of March, one thousand eight hundred and seventy-eight, holding any such incumbency, or who has since the said date

date been, or who may hereafter be inducted into any such incumbency, any lands of such rectory remain unsold, the rents, issues and profits of such unsold lands shall belong to and be paid over to and received by the said incorporated synod of the diocese of Toronto, and shall be subject to the same trusts, and be dealt with by them in the same manner, as the produce of investments of the proceeds of sale of the lands when sold are now subject.

3. Nothing in this Act shall affect the litigation now pending in an action of *Langtry v. Dumoulin* in the High Court of Justice, or the rights of the parties in question therein. Pending litigation not affected.

4. This Act shall not in any manner affect whatever rights the present or any future Rector of Peterborough has, or may have, under and by virtue of the Act of the late Province of Canada, passed in the session held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, or of the Act of this Province amending the same, passed in the thirty-fourth year of the same reign, and chaptered eighty. Rights of present and future Rectors of Peterborough not affected.

5. This Act shall be known and may be cited as "*The Toronto Synod and Rectory Sales Act, 1884.*" Short title.

CHAPTER 91.

An Act to enable the Roman Catholic Episcopal Corporation of the Diocese of Toronto to sell certain lands.

[Assented to 25th March, 1884.]

WHEREAS by a certain indenture, dated the twenty-sixth of September, in the year one thousand eight hundred and twenty-nine, the Honourable William Dummer Powell, of the Town of York, in the Home District and Province of Upper Canada, Esquire; the Honourable James Baby, of the same place, Esquire; and the Honourable and Reverend John Strachan, of the same place, Doctor of Divinity, in pursuance of powers vested in them under and by virtue of Letters Patent from the Crown, as is more particularly set out in said indenture, did grant, release, convey and confirm unto the Trustees of the Roman Catholic Church, in the Township of York, all that parcel of land called the School Reserve, in the Town of York, in the County of York, in the Home District, more correctly designated by a survey made on the ground the twenty-eighth day of April, one thousand eight hundred and twenty-nine, by James Chewett, Deputy-Surveyor, and numbered one, two, eleven and twelve; also parts of numbers three

Preamble.

three and ten, bounded on the north by Richmond Street, on the east by New Street, now Jarvis Street, on the south by March Street, and on the west by an old fence, being the eastern limit of the Royal Grammar School enclosure, commencing where a post has been planted at the north-east angle of said block called the School Reserve; then south sixteen degrees east, one hundred and eighty feet, more or less, along the western limit of New Street, to the northerly limit of March Street; then south seventy-four degrees west, one hundred and forty-nine feet, more or less, to the aforesaid fence, being the westerly limit of parts of said numbers three and ten; then north sixteen degrees west, one hundred and eighty feet, more or less, to Richmond Street; then north seventy-four degrees east, one hundred and forty-nine feet along the northern limit of Richmond Street, more or less, to the place of beginning, containing five-eighths of an acre, more or less, together with its appurtenances to have and to hold the said parcel or tract of land and premises unto the said Trustees of the Roman Catholic Church, and the Reverend William John O'Grady and his successors in trust, for the use of a Roman Catholic Parochial School forever; and whereas by an Act passed in the eighth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty-two, intituled "An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese," the Trustees of the Roman Catholic Church in the Town of York, then called the City of Toronto, were created a body corporate and politic, and in and by the second section of the said Act the soil and freehold as well as the fee of all lands, tenements and hereditaments, then belonging to and used, held, occupied, possessed or enjoyed by the then Roman Catholic Bishop of Toronto, were declared to be vested in him and his successor and successors for uses eleemosynary, ecclesiastical or educational, of the said Church; and whereas subsequent to the passing of said Act, by an indenture dated the fifteenth of May, in the year one thousand eight hundred and forty-six, the then trustees of the property hereinbefore described for greater certainty conveyed, assigned and transferred all their right, title and interest, both at law and equity, in the same, to the said Roman Catholic Episcopal Corporation for the Diocese of Toronto in Canada, the present applicants, who are now and have been continuously since the last-mentioned date, in possession as owners as aforesaid of the said property in trust for school purposes as aforesaid; and whereas it is represented that the applicants have purchased for the sum of twenty-five thousand dollars the premises and buildings formerly occupied by the Brothers of the Christian Schools, containing over an acre of ground, on Duke Street, in the said City of Toronto, and have entered into a binding agreement with the Board of Trustees of the Roman Catholic Separate Schools for the City of Toronto, for a sale to the said last-mentioned body for a like sum of twenty-five thousand dollars, of the said Duke Street property; and whereas the said School Board, so far as they

represent

represent the trusts affecting the said property, are willing and hereby consent to a sale of the said Jarvis Street property by the said applicants, the applicants allowing a credit on the Duke Street purchase equal to the value of the Jarvis Street property; and whereas it is necessary and desirable for the said School Board to secure the said Duke Street property, which was specially constructed for the use of schools and has suitable and commodious grounds and buildings, of which the estimated cost is double that of the price for which the applicants have purchased it; and whereas the property on Jarvis Street is chiefly valuable for the land, and has no buildings especially constructed for the use of schools, nor are they at present sufficiently adapted to the wants of the School Board in that locality; and whereas it will be for the advantage of the said schools that the said property on Duke Street be secured to them and that permission be given the applicants to sell the property on Jarvis Street as aforesaid; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Roman Catholic Episcopal Corporation of the Diocese of Toronto, in Canada, are hereby authorized and empowered to sell and convey to the purchaser or purchasers thereof all and every part of the said lands and premises in the preamble to this Act firstly mentioned and described and any part thereof, at such times, in such parcels or as a whole, and on such terms and for such price as they may deem fit and prudent.

Land firstly in the preamble described may be sold.

2. The purchaser or purchasers of the whole or any part of the said land and premises shall not be bound to see to the application of the purchase money or moneys arising from such sale or sales, but the receipt under the seal of the said Roman Catholic Episcopal Corporation shall be a sufficient discharge therefor.

Purchaser not bound to see to application of proceeds of sale.

3. And the said Corporations having agreed to an arbitration as to the value of the said Jarvis Street property, and also that the said Episcopal Corporation shall accept the said property at the amount so to be determined by said arbitration, such amount shall be regarded as a cash payment now made on the said twenty-five thousand dollars to the said Episcopal Corporation, and the amount thereof deducted from the said purchase money of the Duke Street property; and the said Episcopal Corporation shall thereupon be relieved from the trusts in respect of the said Jarvis Street property; provided that this clause is not to affect in any way or interfere with the powers of sale hereinbefore granted to the said Roman Catholic Episcopal Corporation.

Value of Jarvis Street property to be settled by arbitration, and amount credited as cash payment on Duke Street property.

Proviso.

Surplus over
 \$25,000 on sale
 or valuation of
 property to be
 subject to the
 original trust.

4. In the event of the sale or valuation of the said Jarvis Street property realizing or being fixed at an amount greater than the sum of twenty-five thousand dollars, the surplus, after payment of that sum out of the proceeds of such sale or valuation, shall be subject to the like trusts to which the said Jarvis Street property, the original fund, was itself subject, namely, for the use of a Roman Catholic Parochial School forever.

CHAPTER 92.

An Act further to amend the Act incorporating the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS "The Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada," have by their petition set forth that doubts have arisen as to the proper mode in which conveyances should be executed under their Act of incorporation, passed in the eighth year of the reign of Her Majesty, Queen Victoria, chapter eighty-two, intituled: "An Act to Incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese," and whereas it is desirable to amend the said Act so as to remove the said doubts and to confirm all conveyances already made by the said corporation in which any other parties should have been added or additional formalities observed; and whereas it is desirable to place the said corporation in the same position as to lands and conveyances thereof as other like corporations in this Province, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Conveyances
 may be executed by the
 archbishop or
 bishop on behalf of the corporation,
 when consent
 of two other
 functionaries
 obtained.

1. Notwithstanding anything contained in the said Act passed in the eighth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty-two, it shall be lawful for the Bishop or Archbishop of the said Diocese of Toronto, in Canada, for the time being, in the name of the said corporation, to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole, or any part of the lands, tenements, or hereditaments acquired or held, or to be hereafter acquired by the said corporation under and by virtue of the said Act, with the consent in writing of his Coadjutor or Senior Vicar-General and one additional clergyman, to be selected or named by said Bishop or Archbishop for the time

time being; and in case there shall happen to be no Coadjutor or Vicar-General, or in case either of them shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two clergymen to be selected or named by the said Bishop or Archbishop, all such selections or nominations, and such consent, to appear upon the face of the deed or other instrument in writing intended to be executed by the parties, and to be testified by the said Bishop or Archbishop, and Coadjutor or Senior Vicar-General, and one additional clergyman, or by such two clergymen as aforesaid, as the case may be, being made parties to, and signing and sealing all the deeds, conveyances, mortgages, leases, assignments or other instruments, in the presence of two credible witnesses, as consenting parties thereto respectively.

2. A declaration on the face of the deed, mortgage, or other instrument that it has been executed by the persons and in the manner mentioned in the last preceding section is to be sufficient evidence of the matters therein referred to.

A declaration on the face of the deed to be evidence of certain facts.

3. Any statutory discharge of mortgage required to be given by the said corporation shall be deemed to be sufficiently valid if executed by the Bishop or Archbishop of the said Diocese for the time being, and his Coadjutor or Senior Vicar-General, with one additional clergyman, or by two clergymen in the event of there being neither Coadjutor nor Senior Vicar-General, with the seal of the said corporation affixed thereto, and no recitals shall be necessary therein or therefor.

Discharges of mortgages how executed.

4. Notwithstanding anything contained in the said Act passed in the eighth year of the reign of Her Majesty, and chaptered eighty-two, the said corporation shall have power to take or acquire by will or devise any lands, tenements, hereditaments, or any interest therein, provided said will or devise shall have been made and executed at least six months before the death of the person making the same, and shall have been duly registered according to law within twelve calendar months after such death, otherwise such devise shall be void and of no effect; provided always, that in case the said corporation is disabled from registering any such will or devise within the said time by reason of the contesting of such will or devise, or by any other inevitable difficulty, without the wilful neglect or default of the said corporation, then the registration of said will or devise within the space of twelve months next after attainment by said corporation of such will or devise or probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this section.

Power to take lands by devise.

Proviso.

5. This Act, and the said Act passed in the eighth year of the reign of Her Majesty, Queen Victoria, and chaptered eighty-two, and any amending Act, shall be read together and shall,

This Act to be read with 8 V. c. 82, and 44 V. c. 86.

with

whereas the party hereto of the third part is the present Archbishop *or* Bishop of said Diocese, and the parties hereto of the fourth part are the proper persons whose consent is necessary to this conveyance, under the terms of the statute incorporating the parties of the first part; and whereas the parties hereto of the fourth part join in this conveyance in order to testify, in writing, their consent to the sale (mortgage, etc.), as aforesaid, pursuant to said statute, the said (*naming the party or parties selected*) having been nominated and appointed by the said Archbishop *or* Bishop for the purposes of this conveyance:

Now, therefore this indenture, etc., *as in other conveyances,*

After covenants.

The parties hereto of the fourth part hereby consent to this conveyance, and are made parties herein, and execute the same for the purposes hereinbefore set forth.

In witness whereof the parties hereto have hereunto set their hands and seals, the seal of the said corporation being affixed by the party of the third part.

Signed, sealed and delivered }
in the presence of two }
credible witnesses, }

A. B.

C. D.

[L.S.C.]

[L.S.]

[L.S.]

[L.S.]

CHAPTER 93.

An Act to amend the Acts incorporating Victoria College and Albert College.

[Assented to 25th March, 1884.]

WHEREAS it has been represented by the Board of Victoria College, at Cobourg, and the Board and Senate of Albert College, at Belleville, that the Methodist Church of Canada, the Methodist Episcopal Church in Canada, the Primitive Methodist Church in Canada and the Bible Christian Church of Canada, have formed a union under the name of "The Methodist Church," and have applied to the Parliament of Canada for an Act to incorporate the said the Methodist Church, and that among other things it has been agreed by the said four contracting Churches, that the said Colleges shall be placed under the charge and control of the General Conference of the said Methodist Church, and that one University shall be maintained by the said Methodist Church, under the name of "Victoria University," continuing for such purpose all the chartered powers conferred by the various Parliaments of Canada

Preamble.

Canada and the Legislature of Ontario upon the said Victoria College, and that the University of said Albert College shall be united to and consolidated with the said Victoria University, and that the present graduates and under-graduates of said Albert College shall have and enjoy the same degrees or status in connection with the said Victoria University as at the time of the passing of this Act they enjoy in connection with the said Albert College, and for other purposes; and whereas the said Colleges have prayed that an Act be passed to carry the same into effect, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

29-30 V. c. 136
and 34 V.
c. 91,
amended.

1. So much of an Act of the late Province of Canada passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered one hundred and thirty-six, and of an Act of this Province passed in the thirty-fourth year of Her Majesty's reign, chaptered ninety-one, as confers upon the said Albert College University powers, is hereby repealed, that is to say: there shall be struck out of section five of chapter one hundred and thirty-six, the words "for degrees or" from the first, and the word "degrees" from the second sub-section thereof, the words "or upon taking any degree" from sub-section three of said section, also the whole of sections two, six, seven, eight, eleven, twelve and fourteen, of said chapter one hundred and thirty-six, and section three of said chapter ninety-one.

Trustees of
Albert Col-
lege.

2. The present Board of Trustees of Albert College, together with the following persons: Robert Richardson, Belleville; W. F. Hall, Napanee; George W. Webb, Colborne; Thomas Holden, Belleville; Lewis Purdy, Lobo'ro'; S. T. Wilmot, Sidney; and Robert Gordon, Tweed, shall, until the next session of the General Conference of the Methodist Church, constitute the Board of Trustees of the said Albert College. The said General Conference may at any time, and from time to time, appoint additional members to and upon the said Board of Trustees, but so that the whole number of Trustees shall not at any time exceed eighteen.

20 V. c. 184,
29-30 V. c. 136
and 34 V.
c. 91, to con-
tinue appli-
cable to
Albert Col-
lege.

3. Save as aforesaid, all the provisions of an Act of the Parliament of the late Province of Canada passed in the twentieth year of Her Majesty's reign, chaptered one hundred and eighty-four, intituled "*An Act to incorporate Belleville Seminary*," and of the said amending Acts, chaptered one hundred and thirty-six and ninety-one, shall continue to apply to the said College, and the said College shall stand in the same relation to the Methodist Church as it now stands to the Methodist Episcopal Church in Canada, and all the rights, powers and authorities by the said Acts vested in the said Methodist Episcopal Church in Canada, shall be vested in, applied to and exercised

exercised by the General Conference of the Methodist Church, and those vested in the Bishop or Bishops of the said Methodist Episcopal Church shall be vested in and exercised by the General Superintendents of the said Methodist Church, and those vested in the Annual Conferences of the said Methodist Episcopal Church shall be vested in the three Annual Conferences of the said Methodist Church which shall be territorially nearest to the City of Belleville.

4. The Acts of this Province passed in the forty-second year of Her Majesty's reign, chaptered eighty-nine, intituled "*An Act respecting Victoria College at Cobourg*," and in the forty-sixth year of Her Majesty's reign, chaptered sixty-seven, intituled "*An Act respecting Victoria College at Cobourg*," are hereby repealed. 42 V. c. 89 and 46 V. c. 67, repealed.

5. The Act of this Province passed in the thirty-eighth year of Her Majesty's reign and chaptered seventy-nine, and intituled "*An Act to consolidate and amend the Acts incorporating Victoria College at Cobourg*," shall be and the same is hereby amended as follows:—

(1) The first section of said Act is amended by striking out the words "The said Charter so granted by his late Majesty King William the Fourth and," and the said section shall be construed as if the said words had not been therein inserted and as if the said Act had not purported to repeal said Charter. Sec. 1, amended.

(2) Section two is repealed and the following substituted therefor: "2. The College established by Royal Charter and Acts as aforesaid shall be called and known as 'Victoria University.'" Sec. 2 repealed, and new section substituted.

(3) The third and following sections are amended by substituting the word "University" for the word "College" wherever the same occurs in the said sections. Word "University" substituted for "College" in sec. 3 et seq.

(4) All the powers and functions heretofore vested in the General Conference of the Methodist Church of Canada respecting said College shall hereafter be vested in and exercised by the General Conference of the Methodist Church. Authority of General Conference of Methodist Church.

(5) Section four is hereby amended by striking out the whole of the first six lines thereof, and by substituting therefor the following words:—"4. The said Victoria University shall be under the management and administration of a Body Corporate, to be called 'The Board of Regents of Victoria University,' which shall consist of the General Superintendents of the Methodist Church, the Chancellor and Vice-Chancellor of the University, twenty-four members (twelve ministers and twelve laymen) appointed by the General Conference of the Methodist Church, and seven additional members elected by the graduates of the said University, under such regulations as may from time to time be made by said Board, which Board shall have perpetual succession and a common seal with power to acquire by

by purchase, gift, devise, bequest or otherwise, and to hold real and personal property."

Sec. 9 repealed.

(6) Section nine of said Act is hereby repealed.

Sec. 13 amended.

Appointment of Board.

(7) Section thirteen is hereby amended so as to read as follows:—"13. The said General Conference shall every four years, in Conference assembled, appoint the twenty-four members of the Board, who by the provisions of section four of said Act as hereby amended, require to be appointed by said General Conference."

Sec. 14 repealed.

Chairman at meetings of Board.

(8) Section fourteen is hereby repealed and the following substituted therefor:—"14. A General Superintendent shall preside as chairman over all meetings of the Board, and shall affix the College seal and sign all such deeds, papers and instruments in writing, for and on behalf of such body corporate as may be necessary. In the absence of a General Superintendent the Board shall elect one of their number to preside and perform such other duties as may be necessary."

Section 16 amended.

(9) Section sixteen is hereby amended to read as follows:—"16. The members of the Board and the professors of the various faculties of said University appointed by the Board, together with eight graduates elected by the graduates of said University, under such regulations as may from time to time be made by said Board, and such representatives of affiliated colleges or institutions as may be admitted under such regulations as may from time to time be made by said Board, shall constitute the Senate of said University, and shall have power and authority to confer the degrees of Bachelor, Master and Doctor in the several Arts, Sciences, and Faculties, and to determine the courses of study and qualifications for degrees, and all matters strictly pertaining to the work of education, and to settle, subject to ratification by the Board of Regents, the terms upon which chartered Colleges and Schools may become affiliated to the University, and shall have the management and supervision of such other affairs of the University as shall from time to time be assigned them by the Board of the University."

Sec. 17 amended.

(10) Section seventeen is hereby amended so as to read as follows:—"17. The President of the University shall be Chancellor of the University. A Vice-Chancellor of the University shall be elected by the graduates thereof every two years, under such regulations as may from time to time be made by the Board of Regents. The Chancellor shall call all meetings of the Senate, and shall preside thereat. In his absence the Vice-Chancellor shall preside, and, in the absence of both Chancellor and Vice-Chancellor, a chairman shall be chosen by the members present."

Board of Regents.

6. The Rev. Samuel D. Rice, D.D., Rev. Albert Carman, D.D., Rev. S. S. Nelles, D.D., LL.D., Hon. James Ferrier, Senator, W. W. Dean, B.A., Wm. Kerr, M.A., Q.C., John Macdonald, Esq.,

Esq., B. M. Britton, M.A., Q.C., M. Lavell, M.D., W. Beatty, M.A., LL.B., J. J. MacLaren, M.A., LL.B., Q.C., W. E. Sanford, Esq., Dennis Moore, Esq., William Gooderham, Esq., Geo. A. Cox, Esq., Rev. Richard Jones, Rev. Enoch Wood, D.D., Rev. Samuel Rose, D.D., Rev. Geo. R. Sanderson, D.D., Rev. E. B. Ryckman, D.D., Rev. W. S. Griffin, Rev. E. H. Dewart, D.D., Rev. A. Sutherland, D.D., Rev. John Potts, D.D., Rev. N. Burwash, S.T.D., Rev. James Gray, Rev. James Allen, M.A., Hon. John E. Rose, S. F. Lazier, M.A., LL.B., Uzziel Ogden, M.D., Rev. H. Johnston, M.A., B.D., W. H. McClive, M.A., LL.B., Thomas Nichol, M.D., LL.D., A. L. Morden, Esq., S. B. Burdett, LL.D., Rev. Samuel G. Stone, D.D., Rev. J. B. Aylesworth, D.D., LL.D., Rev. B. F. Austin, M.A., B.D., Rev. J. C. Antliff, M.A., B.D., John Kent, Esq., Rev. J. J. Rice, and Thomas Gilbard, Esq., shall be the Board of Regents of the said University until their successors or the additional members thereof are chosen, in accordance with the provisions of the said Act of this Province, passed in the thirty-eighth year of Her Majesty's reign, and chaptered seventy-nine. All members of the Board shall be eligible for re-election or re-appointment.

7. All the present graduates and under-graduates of said Albert College shall, from and after the time of the coming into force of this Act, have and enjoy the same rights, degrees, honours and status in connection with Victoria University as at the time of the coming into force of the said Act they enjoyed in connection with said Albert College. Degrees and status in Victoria University of graduates and under-graduates of Albert College.

8. The said Albert College is hereby affiliated to the said Victoria University, and shall be entitled in respect of such affiliation, to two representatives upon the Senate of the said University. Albert College affiliated to Victoria University.

9. This Act shall come into force on the first day of July next, provided an Act shall have been passed in the meantime by the Parliament of Canada, ratifying the union of said four Churches. Commencement of Act.

10. Nothing in this Act shall be construed to affect any question of law or equity as to the locality of the University, or as to the right or power of removing the same. Right of removal not affected.

CHAPTER 94.

An Act to authorize the Supreme Court of Judicature for Ontario to admit Delos Rogest Davis to practise as a solicitor.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS Delos Rogest Davis, of the Township of Colchester, north, in the county of Essex, hath by his petition, set forth that previous to the year one thousand eight hundred and seventy-four, he was, for the period of four years, a teacher of public schools; that in the month of December, one thousand eight hundred and seventy-one, he was appointed a commissioner for taking affidavits, affirmations and recognizances of bail in the Court of Queen's Bench, at Toronto; that on the nineteenth day of June, one thousand eight hundred and seventy-three, he was duly appointed and constituted a Notary Public for the Province of Ontario, and that ever since the year one thousand eight hundred and seventy-three, and from before that time he has endeavoured and has been anxious to enter the profession of the law; that in consequence of prejudices against his colour and because of his being of African descent he has not been articulated to any attorney or solicitor, or served under articles; that he has, notwithstanding, for now more than eleven years past devoted himself to the study of the law, and to its practice so far as this could legally be done by one who has not been admitted as a solicitor, and that he has acquired such an education in law as will in his opinion enable him to pass the final examination prescribed by the Law Society for persons seeking to be admitted as solicitors; and whereas the said Delos Rogest Davis is desirous of being admitted to practise as a solicitor in the Supreme Court of Judicature for Ontario, and has prayed that an Act may be passed to authorize the said court to admit him to practise as a solicitor therein upon his passing such final examination as may be prescribed by the said society; and whereas it has been established that the said Delos Rogest Davis is otherwise a proper person to be admitted as a solicitor on his passing such examination, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

D. R. Davis may be admitted as a solicitor under certain conditions.

1. It shall and may be lawful for the Supreme Court of Judicature for Ontario, at any time hereafter, to admit the said Delos Rogest Davis to practise as a solicitor of the said court, upon his paying the proper fees in that behalf and passing at any time or times the final examination for admission prescribed by the rules of the Law Society of Upper Canada, without his compliance with any other requirement or provision of law or other rules and regulations of the said Law Society in that behalf, any law, custom or usage to the contrary notwithstanding.

CHAPTER

CHAPTER 95.

An Act for the relief of the Venerable Alexander Dixon and others.

[Assented to 25th March, 1884.]

WHEREAS the Venerable Alexander Dixon, of the city of Guelph, Archdeacon of Guelph; Anna Maria Dixon, of the city of Toronto, spinster; Catharine Dixon, of the same place, spinster; Esther Louisa Dixon and Frances Elizabeth Dixon, daughters of the said Alexander Dixon and Laura Beverly Dixon, younger daughter of the said Alexander Dixon, represented by her father and guardian the said Alexander Dixon; Esther Dixon, of the said city of Toronto, spinster; Mary Elizabeth Dixon, of the same place, spinster; Esther Knightly Westmacott, of the village of Moorefield in the county of Wellington, spinster, and Frances Westmacott, of the same place, widow, have by their petition represented that one William Dixon, being desirous of making a certain settlement for the benefit of his sisters, did on or about the first day of January, one thousand eight hundred and fifty-two, by two certain deeds, copies whereof marked respectively A and B are set out in the schedule hereto, convey the lands therein respectively mentioned to the said Alexander Dixon and one William Montagu Westmacott, since deceased, in fee simple upon the trusts and for the intents and purposes therein set out; and that the said William Montagu Westmacott having died, the said lands are now vested in the said Alexander Dixon as surviving trustee; and that the said petitioner Anna Maria Dixon is the Anna Maria Dixon named in the said deed marked A, and the only person at the present time beneficially interested in the lands thereby conveyed, and that she is of the age of about fifty-eight years; and that the said petitioner Catharine Dixon is the Catharine Dixon named in the said deed A, and is the person who would become entitled to an interest in the said lands thereby conveyed in the event of failure of the prior estate created by the said deed, and that she is of the age of about forty-five years; and that the said petitioners the daughters of the said Alexander Dixon are the persons who would successively, according to seniority of age, become entitled to an interest in the said lands conveyed by the said deed A, in the event of the failure of the prior estates created by the said deed, and they are of the ages respectively as follows: the said Esther Louisa Dixon twenty-five years, the said Frances Elizabeth Dixon twenty-two years, and the said Laura Beverly Dixon nineteen years; and that the said Alexander Dixon is the person who would become ultimately entitled to the said lands conveyed by the said deed A in the event of failure of all prior estates thereby created; and that the said petitioner Esther Dixon is the Esther Dixon named in the said deed marked B, and the only person at the present time

Preamble.

time beneficially interested in the lands thereby conveyed, and that she is of the age of over fifty-two years; and that the said petitioner Mary Elizabeth Dixon is the Mary Elizabeth Dixon named in the said deed B, and the person who would become entitled to an interest in the lands thereby conveyed in the event of failure of the prior estate created by the said deed, and that she is of the age of about forty years; and that the said petitioner Esther Knightley Westmacott is the only daughter of the said William Montagu Westmacott, and the person who would become entitled to an interest in the said lands conveyed by the said deed B in the event of the failure of the prior estates thereby created, and that she is of the age of about thirty-two years; and that the said petitioner Frances Westmacott is the widow and sole devisee under the will of the said William Montagu Westmacott, and is the person who would become ultimately entitled to the said lands conveyed by the said deed B in the event of failure of all prior estates thereby created; and that by reason of the nature of the trusts and estates created by the said deeds, they the said petitioners are unable to use or enjoy the said lands to advantage or to derive any benefit therefrom, and the same are unproductive, and the said petitioners are unable to keep up and maintain the buildings and improvements thereon, and the same have become deteriorated in value and will continue to deteriorate and fall into decay, and the lands will become subject to arrears of taxes and liable to be sold for payment thereof, unless the said petitioners are empowered to make leases thereof for terms of twenty-one years renewable; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
lease.

1. (1) The said Alexander Dixon, his heirs and assigns, trustee or trustees as aforesaid, are hereby declared to have and shall have power from time to time, with the concurrence of the person for the time being beneficially interested in the said lands if such person be under no disability, and in such case then without such concurrence, to grant a lease or leases of the said lands or any part or parts thereof for a term or terms of years not exceeding twenty-one years ensuing the date of any such lease, upon such terms and reserving such rents as he or they may deem reasonable, and any and every such lease shall be binding upon all persons whomsoever claiming or to claim or hereafter become entitled to any estate or interest in the said lands under or by virtue of the said deeds respectively;

Proviso.

(2) Provided that any and every such lease shall be approved by a judge or master in Toronto of the Chancery Division of the High Court of Justice upon an application, which may be made to any such judge or master in a summary way.

SCHEDULE

SCHEDULE A.

This indenture, made the first day of January in the year of our Lord one thousand eight hundred and fifty-two, between William Dixon, of the city of Toronto in the Province of Canada, gentleman, of the first part, and the Reverend Alexander Dixon, of Port Dalhousie, in the county of Lincoln and Province aforesaid, clerk, and William M. Westmacott, of the said city of Toronto, esquire, of the second part, witnesseth that, as well in consideration of the natural love and affection which the said William Dixon hath and beareth towards his sister Anna Maria Dixon, of the said city of Toronto, spinster, as of the sum of five shillings of lawful money of Canada now paid by the said Alexander Dixon and William M. Westmacott to the said William Dixon, the receipt whereof is hereby acknowledged, he, the said William Dixon, doth give and grant unto the said Alexander Dixon and William M. Westmacott, as tenants in common, their heirs and assigns, all and singular that certain piece or parcel of land situate in the city of Toronto aforesaid, containing by admeasurement six thousand square feet, be the same more or less, being composed of part of park lot number six, in the first concession from the bay in the township of York (now in the said city of Toronto), and may be described as the western parts of lots numbers forty-one, forty-two and forty-three on the west side of Jarvis Street, and is butted and bounded as follows, that is to say: Commencing at a point where Mutual Street intersects Gerrard Street, and on the north side of Gerrard Street; thence easterly along the northern boundary of Gerrard Street forty-one feet and eight inches; thence northerly, parallel with Mutual Street, one hundred and forty-four feet, more or less, to a lane; thence westerly along the lane forty-one feet and eight inches to Mutual Street; thence southerly along Mutual Street one hundred and forty-four feet, more or less, to the place of beginning, together with the right and privilege of occupying so much of the piece of land adjoining on the east the piece or parcel of land hereby conveyed as is at present covered by the eastern part of the brick tenement now erected and being on the piece or parcel of land hereby conveyed (which said eastern part extends into and covers a part of the land adjoining) so long as such tenement remains thereon and no longer, together with the appurtenances to the said piece or parcel of land, tenements, hereditaments and premises belonging; to have and to hold the said lands, tenements, hereditaments and all and singular other the premises hereby granted or intended so to be, with their and every of their appurtenances, unto the said Alexander Dixon and William M. Westmacott, their heirs and assigns for ever, nevertheless to the uses and upon the trusts and to and for the intents and purposes hereinafter declared of and concerning the same, that is to say: upon trust to allow the said Anna Maria Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises

premises during her natural life for her separate use and benefit, and the receipt and receipts in writing of the said Anna Maria Dixon shall from time to time (whether covert or sole) be good and effectual receipts and discharges to the said Alexander Dixon and William M. Westmacott, their heirs and assigns, for such sums of money as in such receipts and discharges shall be respectively expressed to be received; and from and immediately after the decease of the said Anna Maria Dixon upon trust to allow the eldest surviving daughter of the said Anna Maria Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life for her separate use and benefit, and the receipt and receipts in writing of such daughter shall from time to time (whether covert or sole) be discharges for the sums therein expressed; and from and immediately after the decease of such eldest surviving daughter of the said Anna Maria Dixon upon trust to convey and assure the said piece or parcel of land and premises hereby granted to her eldest surviving daughter (being the granddaughter of the said Anna Maria Dixon), her heirs and assigns for ever, freed and discharged from the said trusts; and in default of such last mentioned issue, upon trust to convey and assure the said piece or parcel of land and premises to the eldest surviving daughter or granddaughter of the said Anna Maria Dixon, her heirs and assigns for ever, freed and discharged from the said trusts: Provided always, firstly, that if the said Anna Maria Dixon shall die without female issue her surviving, or if there be no daughter or granddaughter surviving at the death of her said eldest daughter, then the said Alexander Dixon and William M. Westmacott, their heirs and assigns, shall suffer and permit Catharine Dixon, another of the sisters of the said William Dixon, to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after the decease of the said Catharine Dixon, shall suffer and permit the eldest surviving daughter of the said Catharine Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after the decease of such eldest surviving daughter of the said Catharine Dixon, shall convey and assure the said piece or parcel of land and premises to her eldest surviving daughter (being the granddaughter of the said Catharine Dixon), her heirs and assigns for ever, freed and discharged from the said trusts; and if there be no such last mentioned issue, shall convey and assure the said piece or parcel of land and premises to the eldest surviving daughter or granddaughter of the said Catharine Dixon, her heirs and assigns for ever, freed and discharged from the said trusts; and provided, secondly, that if there be no daughter of the said Catharine Dixon, or if the said Catharine Dixon die before the said Anna Maria Dixon, then the said Alexander Dixon and William M. Westmacott, their heirs

heirs and assigns, shall suffer and permit the eldest surviving daughter of the said Alexander Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after her decease shall convey and assure the said piece or parcel of land and premises to the eldest surviving daughter of the said daughter of the said Alexander Dixon (being his granddaughter), her heirs and assigns for ever, freed and discharged from the said trusts; and if there be no such last mentioned issue, then from and immediately after the death of the said eldest surviving daughter of the said Alexander Dixon, or if there be no such daughter of the said Alexander Dixon surviving, then from and immediately after the death of the said Anna Maria Dixon shall convey and assure the said piece or parcel of land and premises to the said Alexander Dixon, his heirs and assigns for ever, freed and discharged from the said trusts.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

(Signed) WM. DIXON. [L.S.]
 ALEX'R DIXON, B.A. [L.S.]
 W. M. WESTMACOTT. [L.S.]

Signed, sealed and delivered }
 in the presence of }
 (Sgd.) WM. WILLIAMSON. }

SCHEDULE B.

This indenture, made the first day of January in the year of our Lord one thousand eight hundred and fifty-two, between William Dixon, of the city of Toronto in the Province of Canada, gentleman, of the first part, and the Reverend Alexander Dixon, of Port Dalhousie, in the county of Lincoln and Province aforesaid, clerk, and William M. Westmacott, of the said city of Toronto, esquire, of the second part, witnesseth that, as well in consideration of the natural love and affection which the said William Dixon hath and beareth toward his sister Esther Dixon, of the said city of Toronto, spinster, as of the sum of five shillings of lawful money of Canada now paid by the said Alexander Dixon and William M. Westmacott to the said William Dixon, the receipt whereof is hereby acknowledged, he, the said William Dixon, doth give and grant unto the said Alexander Dixon and William M. Westmacott as tenants in common, their heirs and assigns, all and singular that certain piece or parcel of land situate in the city of Toronto aforesaid, containing by admeasurement six thousand square feet, be the same more or less, being composed of part of park lot number six, in the first concession from the bay in the township of York (now in the said city of Toronto), and consisting of a part of the western portions of lots numbers forty-one,

one, forty-two and forty-three on the west side of Jarvis Street, and butted and bounded as follows, that is to say: Commencing on the north side of Gerrard Street at the distance on an easterly course of forty-one feet and eight inches from the north-east corner of Gerrard and Mutual Streets; then easterly along Gerrard Street forty-one feet and eight inches; then northerly, parallel with Mutual Street, one hundred and forty-four feet, more or less, to a lane; then westerly along the lane forty-one feet and eight inches; then southerly, parallel to Mutual Street, one hundred and forty-four feet, more or less, to Gerrard Street, the place of beginning; saving and reserving thereout that portion of ground included in the above bounds at present covered by the westernmost house of the two brick dwelling-houses now erected and being partly on the said piece or parcel of land hereby conveyed and partly on the piece or parcel of land next adjoining thereto on the west, so long as such westernmost dwelling-house remains thereon and no longer, together with the appurtenances to the said piece or parcel of land, tenements, hereditaments and premises belonging; to have and to hold the said lands, tenements, hereditaments, and all and singular other the premises hereby granted or intended so to be, with their and every of their appurtenances unto the said Alexander Dixon and William M. Westmacott, their heirs and assigns, for ever; nevertheless to the uses and upon the trusts and to and for the intents and purposes hereinafter declared of and concerning the same, that is to say: upon trust to allow the said Esther Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life for her separate use and benefit, and the receipt and receipts in writing of the said Esther Dixon shall from time to time (whether covert or sole) be good and effectual receipts and discharges to the said Alexander Dixon and William M. Westmacott, their heirs and assigns, for such sums of money as in such receipts and discharges shall be respectively expressed to be received; and from and immediately after the decease of the said Esther Dixon upon trust to allow the eldest surviving daughter of the said Esther Dixon to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life, for her separate use and benefit, and the receipt and receipts in writing of such daughter shall from time to time (whether covert or sole) be discharges for the sums therein expressed; and from and immediately after the decease of such eldest surviving daughter of the said Esther Dixon, upon trust to convey and assure the said piece or parcel of land and premises hereby granted to her eldest surviving daughter (being the granddaughter of the said Esther Dixon), her heirs and assigns for ever, freed and discharged from the said trusts; and in default of such last mentioned issue, upon trust to convey and assure the said piece or parcel of land and premises to the eldest surviving daughter or granddaughter of the said Esther Dixon, her heirs and assigns

assigns for ever, freed and discharged from the said trusts: provided always, firstly, that if the said Esther Dixon shall die without female issue her surviving, or if there be no daughter or granddaughter surviving at the death of her said eldest daughter, then the said Alexander Dixon and William M. Westmacott, their heirs and assigns, shall suffer and permit Mary Elizabeth Dixon, another of the sisters of the said William Dixon, to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after the decease of the said Mary Elizabeth Dixon shall suffer and permit the eldest surviving daughter of the said Mary Elizabeth Dixon, to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after the decease of such eldest surviving daughter of the said Mary Elizabeth Dixon, shall convey and assure the said piece or parcel of land and premises to her eldest surviving daughter (being the granddaughter of the said Mary Elizabeth Dixon), her heirs and assigns for ever, freed and discharged from the said trusts; and if there be no such last mentioned issue, shall convey and assure the said piece or parcel of land and premises to the eldest surviving daughter or granddaughter of the said Mary Elizabeth Dixon, her heirs and assigns for ever, freed and discharged from the said trusts; and provided, secondly, that if there be no daughter of the said Mary Elizabeth Dixon, or if the said Mary Elizabeth Dixon die before the said Esther Dixon, then the said Alexander Dixon and William M. Westmacott, their heirs and assigns, shall suffer and permit the eldest surviving daughter of the said William M. Westmacott to have, receive and take the rents, issues and profits of the said piece or parcel of land and premises during her natural life; and from and immediately after her decease shall convey and assure the said piece or parcel of land and premises to the eldest surviving daughter of the said daughter of the said William M. Westmacott (being his granddaughter), her heirs and assigns for ever, freed and discharged from the said trusts; and if there be no such last mentioned issue, then from and immediately after the death of the said eldest surviving daughter of the said William M. Westmacott; or if there be no such daughter of the said William M. Westmacott surviving, then from and immediately after the death of the said Esther Dixon shall convey and assure the said piece or parcel of land and premises to the said William M. Westmacott, his heirs and assigns for ever, freed and discharged from the said trusts.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

(Signed) WM. DIXON. [L.S.]

ALEX'R DIXON, B.A. [L.S.]

Signed, sealed and delivered } W. M. WESTMACOTT. [L.S.]
in the presence of
(Sgd.) WM. WILLIAMSON. }

CHAPTER 96.

An Act respecting the Trusts of the Will of the late Samuel B. Smith, deceased.

[Assented to 25th March, 1884.]

Preamble

WHEREAS the Rector and Churchwardens of the Church of the Ascension, in the city of Toronto, the Reverend Henry Grasett Baldwin, Frederick A. Ball and Charles R. W. Biggar, all of the said city of Toronto, trustees for the said church under the will of Samuel B. Smith, esquire, deceased, and Lela Isabella McDonell, Ida Anne Hawksley Nelles, Julia Lilian Henrietta Hudson Nelles, Henrietta Anne Fanning Nelles, Mabel Isabella Nelles, Willison Boies Nelles, Roswell Hyde, and Douglas Henry Nelles, infants under the age of twenty-one years, by John Hoskin, esquire, their guardian *ad litem*, have presented their petition, stating amongst other things as follows:—

“That Samuel B. Smith, late of the city of Toronto, esquire, deceased, departed this life on or about the sixteenth day of July, 1882, having first duly made and published his last will and testament, in which, after revoking all former wills made by him, he devised and bequeathed his estate as follows:

“I direct that all my estate, real and personal, except the stock, lands, and securities hereinafter mentioned and specifically devised, be as soon after my decease as possible sold and disposed of for its reasonable value, either by public auction or by private sale, and on such terms of payment as to my executors shall seem meet; and for such purpose I do hereby give to and vest in such my executors full power and authority to sell and make conveyance of my said real estate, except the lands hereby specifically devised, in fee simple or otherwise, and in blocks as they now are, or in sub-divisions thereof, in as full and ample a manner as I could do myself, if living, for cash, or part cash and part credit, and to take and receive securities for the amounts unpaid by mortgage in such manner as is usual to insure the full and punctual payment thereof.

“And I direct that all debts due and owing to me (save and except dividends accrued on the stocks hereinafter specifically devised) shall be with all speed, after my decease, collected in by my said executors, and such debts as they may not be able to enforce immediate payment of in full, they may compound for a reasonable portion of the amount thereof.

“And I direct that my just debts (if any at the time of my decease) and my funeral and testamentary expenses be paid out of the first moneys that shall come into the hands of my executors.

“And after payment of all debts and expenses, as aforesaid, I do devise and bequeath the said stocks and all moneys and securities and the produce or proceeds of the said sales and debts due to me, as follows:

“I devise

“I devise and bequeath to my sister Anne Nelles the sum of twenty thousand dollars; to each of her two sons, one thousand dollars; to each of her two daughters, two thousand dollars; and to each of her grandchildren, who may be living at the time of my decease, one thousand dollars.

“I also give and bequeath to my sister Harriet Lee the sum of twenty thousand dollars; to each of her two sons, one thousand dollars; and to each of her three daughters, two thousand dollars.

“I also give and bequeath to my sister Ellen Ball the sum of ten thousand dollars, which, with certain property in Hamilton and other property purchased by her husband with money belonging to me, fully making up the amount of twenty thousand dollars; to each of her three sons, one thousand dollars; to each of her two daughters, two thousand dollars.

“I also give and bequeath to my sister Margaret McDonell, she being already largely possessed with this world's goods, the sum of five thousand dollars; and to each of her four children, one thousand dollars.

“I also give and bequeath to each of the wives of my six nephews, namely, to the wife of Samuel Smith McDonell, to the wife of James George McDonell, to the wife of Horace Lee, to the wife of Winniette Ball, to the wife of Samuel Nelles, and to the wife of Beverly Nelles, the sum of one thousand dollars.

“I also give and bequeath to Louisa Pierce Hurd, widow of the late Thomas G. Hurd, the sum of five hundred dollars.

“I also give and bequeath to Pauline, the wife of Angus D. McDonell, the sum of five hundred dollars, as a token of the esteem entertained for her by my deceased sister Emma, and to each of her children the sum of two hundred dollars.

“I also give and bequeath to Miss Euphemia Maughan, or in case of her death to her sister Janet, the sum of five hundred dollars, as an acknowledgment of her kindness and attention to my deceased sister Emma, on different occasions during her illness.

“I also give and bequeath to the Reverend Saltern Givins the sum of one thousand dollars, as a token of friendship and of my appreciation of his kindly nature and of gratitude for his many kindnesses to and consideration for my family.

“I also give and bequeath to Harriet, the wife of Dr. Charles Trew, of New Westminster, British Columbia, the sum of five hundred dollars, as a small token of my appreciation of her worth.

“I also give and bequeath to my esteemed friend John Herbert Mason the sum of five hundred dollars, to be invested by him, the interest to be compounded half-yearly, and when his youngest surviving daughter shall have attained the age of twenty-one years, the amount, with its accumulation, to be then paid over to her.

“I hereby charge all the foregoing bequests and legacies primarily upon the fund to be obtained by my said executors from the sale of my real estate, as hereinbefore directed to be sold

sold, and secondarily upon the proceeds of my personal estate. My will is that, for the purpose of satisfying the foregoing bequests and legacies, the proceeds of the sale of my real estate (except the portions thereof specifically devised by this my will) shall be exhausted before applying any of the proceeds of my personal estate in payment of the same.

“I give and devise to my said executors and the survivor of them two hundred shares of the stock of the Canada Permanent Loan and Savings Company upon and for the following trusts and purposes, namely: To receive the semi-annual dividends, or income thereof, and divide the same into two equal or unequal proportions, as my said executors, according to their own judgment and discretion, may think proper and judicious, for the benefit of the surviving children of my deceased brother James, and to pay one portion thereof to Sonora, daughter of my said brother James, during her natural life, and to pay the other portion to Samuel Henry, son of my said brother James, during his natural life; such proportions to be altered or varied from time to time, according as my said executors, in their own judgment and discretion, may think proper. On the death of either of the said Sonora or Samuel Henry the said stock not required to pay the dividends or income coming to the survivor, shall be sold, and shall thereupon become and be dealt with under this my will as part of the residue of my said personal estate, and in like manner on the death of the survivor the balance of the said stock shall be sold, and shall thereupon become and be dealt with, under this my will, as part of the residue of my said personal estate; provided that all prior charges and bequests have been satisfied.

“And I do hereby will and devise to my sister Ellen Ball, and her heirs and assigns forever, all and singular the lands, tenements, and hereditaments heretofore purchased and procured by her husband, Frederick Augustus Ball, by and with moneys and means of mine then in his hands, being all the lands the titles to which now stand in my name (save and except those lands belonging to me situated in the city of Toronto, and in the townships of Etobicoke and Toronto, and the lands conveyed to me by J. C. Rykert), together with, any and all securities in relation to the lands so intended to be devised by me to my said sister Ellen Ball, and every part thereof.

“I hereby direct and my will is that in case of the death of any of the devisees or legatees above named, before my own decease, my will is that his or her share shall not lapse (except in the cases of the said Euphemia Maughan or Janet Maughan, the Reverend Saltern Givins, Harriet the wife of the said Dr. Charles Trew, and the children of my deceased brother James), but go to his or her legal representatives.

“I give and bequeath to the following charitable institutions, in the city of Toronto, the sum of five hundred dollars each, such sum to be paid to each of them exclusively out of such portions of my personal estate as may be legally devoted
by

by me to charitable purposes: The Protestant Orphans' Home, the House of Industry, the Girls' Home, the Boys' Home, the Newsboys' Home and Lodging, the Infants' Home, the Hospital for Sick Children.

"I give and bequeath to the Synod of the Diocese of Toronto for the trust fund established by the said Synod for the support and maintenance of the widows and orphans of clergymen of the Church of England in the said Diocese of Toronto, the sum of one thousand dollars, to be paid to the said Synod out of such portions of my said personal estate as may be legally devoted by me to charitable purposes.

"I give and bequeath to the Churchwardens of the Church of the Ascension (Canon Baldwin Memorial Church), in the city of Toronto, the sum of one thousand dollars, for the benefit of the Sunday school of the said church, such sum to be paid to them out of such portions of my said personal estate as may be legally devoted by me to charitable purposes.

"And as to the rest and residue of my said personal estate which may be exclusively and legally devoted by me to charitable purposes, I give and bequeath the same to the said Churchwardens of the said Church of the Ascension, to be invested by them for the purpose of forming an endowment for the support of the said church.

"And my will is if my said executors, or the survivor of them, shall at any time desire to be relieved from the trusts as to the said devises to the said Sonora and Samuel Henry, or to either of them, that he or they may be relieved on relinquishing by deed under seal the said trusts, and appointing two or more persons to act in his or their place or places.

"And I do hereby nominate and appoint Frederick Augustus Ball, now of the city of Toronto, Beverly R. Nelles, of the township of Grimsby, and William Horace Lee, of the city of Ottawa, the executors of this my last will and trustees for the purposes hereinbefore provided.

"That on the seventeenth day of May, one thousand eight hundred and eighty-two, the said Samuel B. Smith duly made and published a codicil to his said will as follows:

"1. I hereby devise and bequeath to the Protestant Episcopal Divinity School the sum of five thousand dollars in aid of the funds for the maintenance thereof.

"2. To each of the children, sons and daughters, of my three sisters, Ann Nelles, Harriet Lee, and Ellen Ball, I give and bequeath the further sum of one thousand dollars in addition to the sum bequeathed to each of them in my said will.

"3. To Jennie McDonell, the wife of my nephew, Samuel Smith McDonell, I give and bequeath the further sum of one thousand dollars in addition to the amount already bequeathed to her in my said will; and I hereby cancel the legacy of one thousand dollars given and bequeathed to the said Samuel Smith McDonell by my said will, and I direct my said executors to pay the said last mentioned sum of one thousand dollars to his wife, the said Jennie McDonell, in trust for the child or children of the said Samuel Smith McDonell.

"4.

“4. To the Women's Christian Association of Toronto, Nos. 19 and 21 Duke Street, Toronto, I give and bequeath the sum of five hundred dollars, to be paid by my executors to the treasurer of the Association for the time being.

“5. To the Prison Gate Mission of Toronto, No. 206 Seaton Street, Toronto, I give and bequeath the sum of five hundred dollars, to be paid by my executors to the treasurer of the said Mission for the time being.

“6. To my friends the Reverend Henry Grasett Baldwin, Frederick Augustus Ball, and Charles R. W. Biggar, all of the said city of Toronto, I give, devise, and bequeath the sum of thirty thousand dollars (\$30,000) as and for an endowment for the Church of the Ascension, in the said city of Toronto, to be invested by them in their own names as trustees for the said church. The interest, dividends, and emoluments arising from such investments to go into the general funds for the maintenance of the said church, formed by the pew rents and the offertory, and to be applied in connection with the latter in payment of the salaries of the incumbent and other officers of the said church, and in the maintenance and support of the services of the same Church; it being clearly understood and my will being that such incumbent shall hold, preach, and maintain in the said Church of the Ascension the doctrines of the Church of England known and defined in the said Church of England as Evangelical, in contradistinction to what are known as Ritualistic, Sacramental or Sacerdotal; the distinction I desire to draw being between what is commonly known as High Church and Low Church views, to the latter of which I have heretofore in all humility and do now adhere. And in case the incumbent of the said Church of the Ascension now appointed thereto and doing duty therein, or any incumbent to be hereafter at any time appointed, shall teach, preach or otherwise maintain any other religious doctrines or views than those well known and defined as Low Church or Evangelical, then my will is that the said sum of thirty thousand dollars held in trust by the said Henry Grasett Baldwin, Frederick Augustus Ball, and Charles R. W. Biggar as such trustees, or by any succeeding trustee or trustees, to and for such endowment of the said Church of the Ascension, shall merge in my residuary estate, and be disposed of by and under the next succeeding clause in this codicil of my said last will and testament.

“Lastly, all the rest, residue and remainder of my estate, of whatever kind or nature it may be, of which I may die possessed or in any way entitled unto, I give, devise, and bequeath to the grandchildren of my sister, Ann Nelles, and my godchild, Lela McDonell, the daughter of my nephew Samuel Smith McDonell, to be equally divided between them, share and share alike.

“That on the sixth day of July, in the year of our Lord 1882, the said Samuel B. Smith duly made and published a second codicil to his said Will, as follows:—‘I hereby revoke the bequest of one thousand dollars, made on the second page of my said Will, to each of the grandchildren of my sister

Ann

Ann Nelles, as I consider that they are well provided for under the residuary clause of the within codicil.'

"That the infant petitioners, Lela McDonell, Ida Anne Hawksley Nelles, Julia Lilian Henrietta Hudson Nelles, Henrietta Anne Fanning Nelles, Mabel Isabella Nelles, Willison Boies Nelles, Roswell Hyde, and Douglas Henry Nelles are the residuary legatees mentioned or referred to in the last clause of the said codicil as the grand-children of the testator's sister, Ann Nelles, and his godchild, Lela McDonell, the daughter of the testator's nephew, Samuel Smith McDonell.

"That the petitioners being unable to agree upon the construction of the said will and codicil, whether the Church of the Ascension were entitled to the specific legacy of thirty thousand dollars contained in the codicil as well as the residuary bequest contained in the will itself, an action was brought in the Chancery Division of the High Court of Justice for Ontario, in which the trustees and executors of the said will were plaintiffs, and the petitioners and others were defendants, for the purpose of determining the question between parties concerned.

"That the said action was tried by the Chancellor of Ontario, on the sixth day of June, 1883, and on the ninth day of the same month the judgment of the Court was delivered, in which it was declared that the Church of the Ascension were entitled to the benefit of both of the legacies in question.

"That counsel acting for the said infant petitioners advised that said judgment should not be accepted as a final determination of their rights, and an appeal to the Court of Appeal was threatened and intended to be instituted on their behalf.

"That the protracted litigation thus threatened was detrimental to the interests of the Church of the Ascension, and counsel for all parties agreed (with the approbation of the Court) that a termination of the suit by compromise should, if possible, be attempted.

"That a meeting of the members of the said church was duly called, and largely attended, for the purpose of discussing and, if possible, arriving at terms upon which they would consent to a compromise of said suit, and at said meeting the following resolution was unanimously passed with that object in view:

"Resolved that the congregation of the Church of the Ascension (Canon Baldwin Memorial Church), Toronto, hereby authorize (in their discretion) the Churchwardens of the said church, and the Reverend H. G. Baldwin, F. A. Ball, and C. R. W. Biggar, trustees under the will of the late Samuel B. Smith, esquire, for his bequest to the said church, to settle the above suit and all matters in difference between the church and Mr. Smith's estate, for signing a release to his executors of all claims on behalf of the church under the said will or upon Mr. Smith's subscription to the building fund or his subscription notes, provided Mr. Smith's executors will—

"1. Release the church from all its obligations to the late
S. B. Smith,

S. B. Smith, and discharge the mortgage from the church to him ;

“2. Assign to the trustees of the building fund all the securities held by Mr. Smith at the time of his death, as collateral to the said mortgage, except Mr. Smith's own notes;

“3. Obtain whatever judicial and legislative sanction counsel for the church may consider necessary to validate this arrangement ;

“4. Pay all expenses incurred, or to be incurred, by the church in the various negotiations with Mr. Smith's executors, and in the litigation, and in carrying out this arrangement.’

“That counsel for all parties accepted the said resolution as embodying the terms of a fair and proper compromise of the pending litigation.

“That subsequently, on the fifth day of October, 1883, on the application of counsel acting for the infant petitioners, an order (a true copy of which is set forth in the schedule of this Act marked A) for the compromise of the said suit, upon the terms of the said resolution, was made by Mr. Justice Ferguson, one of the Justices of the said Court.

“That the compromise was a fair and proper one, under the circumstances, for legislative sanction and confirmation.

“That at the time of his death the said church were indebted to the testator for money loaned on the security of the church property and otherwise in a sum exceeding thirty-six thousand dollars.

“That the value of the estate of the late Samuel B. Smith is estimated at about one hundred and seventy-five thousand dollars.

“That the legacies specially bequeathed under the said will and codicil amount to the sum of one hundred and sixty-nine thousand dollars, leaving a residuary estate of the estimated value of six thousand dollars or thereabouts.

“That the members of the church were unable to cope with its indebtedness to the said estate, and by reason thereof and the pending litigation their existence as a church was seriously imperilled.

“That the proposed settlement was desirable in the interests of the infant petitioners, inasmuch as if the judgment of the said Court were sustained in appeal, they would be deprived of all benefit under the said residuary bequest.

“And therefore prayed that an Act might be passed in order to confirm the said compromise and order of Mr. Justice Ferguson and the several provisions thereof, and to effectuate the same.”

And whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said order dated the fifth day of October, 1883, made by Mr. Justice Ferguson, one of the Justices of the Chancery Division of the High Court of Justice for Ontario, in the schedule to this Act set forth and marked A, except as to the last clause thereof, relating to the Protestant Divinity School Corporation, is hereby confirmed, and declared to be valid and binding upon all the parties thereto, and the trustees of the will of the said Samuel B. Smith, esquire, deceased, the trustees of the bequest of thirty thousand dollars to the Church of the Ascension in the codicil to the said will mentioned, and the churchwardens of the said church are hereby authorized and required to carry into effect the several provisions thereof, and in so doing are hereby saved harmless and indemnified in the premises.

Order of High Court set forth in schedule confirmed except as to last clause.

2. Any of the said parties to the said order, or their respective representatives, or the said churchwardens, or the said trustees, or either of them, or the survivor of them, or their successors under the trusts of the will of the said late Samuel B. Smith, esquire, deceased, may from time to time apply in a summary manner, by petition or otherwise, in the suit in which the said order was made, to the Chancery Division of the High Court of Justice for Ontario, or to a Judge of the said High Court, upon notice to such other of the said parties, or to the said trustees or churchwardens, as the case may be, as the said Court or Judge may direct, in respect of any matter or thing for carrying into effect the provisions of the said order and compromise, or in respect of any matter or thing, including the matter of costs connected therewith, or in regard to which the said Court or Judge would have jurisdiction in case an action or other proceeding were instituted in said Court, and the said Court or Judge may have jurisdiction in the said suit upon such application to make such order in the premises as may be just.

Application to Court authorized.

3. As soon as the said order is carried into effect, and the releases and other instruments and things therein referred to executed and done by the respective parties therein mentioned, the estate of the said S. B. Smith, and the executors thereof, and the survivors and survivor thereof, and the executors and administrators of such survivor shall thenceforth be absolutely and forever freed, released, and discharged of and from all informations, actions, suits, claims, demands, accounts, and reckonings by or on behalf of Her Majesty's Attorney-General, or by or on behalf of any present or future incumbent or incumbents of the said Church of the Ascension, or by or on behalf of the present or any future churchwardens of the said church, or by or on behalf of the present or any future congregation of the said church, or by or on behalf of any present or future member or members, adherent or adherents thereof, or by or on behalf of any person or persons whomsoever in respect of the respective gifts, bequests, and legacies in the said will and codicils given or bequeathed

Release to executors.

queathed to, or for the benefit of, or as an endowment, or in trust for the said Church of the Ascension, or the incumbent, officers, or congregation thereof, or in respect of either of them or of any part thereof, or of the interest, income, dividends, or emoluments thereof, or of either or of any part thereof.

Release to
church-
wardens and
trustees.

4. As soon as the said order is carried into effect as aforesaid the churchwardens of the said church and their successors, and the said Reverend Henry Grasett Baldwin, Frederick A. Ball, and Charles R. W. Biggar, and each of them, and their respective heirs, executors, and administrators shall thenceforth and forever become and be absolutely freed, relieved, and discharged of and from all informations, suits, actions, claims, demands, accounts, and reckonings by or on behalf of Her Majesty's Attorney-General, or by or on behalf of any present or future incumbent or incumbents of the said Church of the Ascension, or by or on behalf of the present or any future churchwardens of the said church, or by or on behalf of the present or any future congregation of the said church, or by or on behalf of any present or future member or members, adherent or adherents thereof, or by or on behalf of any person or persons whomsoever in respect of the said respective gifts, bequests, and legacies in the said will and codicils given or bequeathed as aforesaid, or in respect of either of them or any part thereof, or of the interest, income, dividends, or emoluments thereof, or of any part thereof; and as soon as the said order is carried into effect as aforesaid, the trusts of the said respective gifts, bequests, and legacies for the benefit and endowment of the Church of the Ascension shall thenceforth cease and be absolutely satisfied and forever extinguished to all intents and purposes whatsoever.

SCHEDULE A.

In the High Court of Justice,
Chancery Division.
MR. JUSTICE FERGUSON. }

Friday, the fifth day of October,
A.D. 1883.

Between

Frederick A. Ball, Beverly R. Nelles, and William Horace Lee, executors and trustees under the last will and testament of Samuel B. Smith, deceased, plaintiffs;

The Rector and Churchwardens of the Church of the Ascension, the Reverend Henry Grasett Baldwin, Frederick A. Ball, and C. R. W. Biggar as trustees for the said Church of the Ascension, the Corporation of Wycliffe College, the Women's Christian Association

tion, and Adelaide Maynard, treasurer of the Haven, Lela McDonell, Ida Anne Hawksley Nelles, Julia Lilian Henrietta Hudson Nelles, Henrietta Anne Fanning Nelles, Mabel Isabella Nelles, Willison Boies Nelles, Roswell Hyde, and Douglas Henry Nelles, the eight last mentioned being infants under the age of twenty-one years, defendants.

Upon motion this day made unto this Court by Mr. Hoskin, Q.C., of counsel for the infant defendants and their guardian *ad litem*, in the presence of counsel for all parties, upon hearing read the proceedings herein, the judgment pronounced at the hearing of this action, and the resolution passed by the congregation of the said Church of the Ascension, which is in the words and figures following:

"Resolved that the congregation of the Church of the Ascension (Canon Baldwin Memorial Church), Toronto, hereby authorize (in their discretion) the churchwardens of the said church, and the Reverend H. G. Baldwin, F. A. Ball, and C. R. W. Biggar, trustees under the will of the late Samuel B. Smith, esquire, for his bequest to the said church, to settle the above suit and all matters in difference between the church and Mr. Smith's estate by signing a release to his executors of all claims on behalf of the church under the said will, or upon Mr. Smith's subscription to the building fund, or his subscription notes, provided Mr. Smith's executors will—

"1. Release the church from all its obligation to the late S. B. Smith, and discharge the mortgage from the church to him;

"2. Assign to the trustees of the building fund all the securities held by Mr. Smith at the time of his death as collateral to the said mortgage, except Mr. Smith's own notes;

"3. Obtain whatever judicial and legislative sanction counsel for the church may consider necessary to validate this arrangement;

"4. Pay all expenses incurred or to be incurred by the church in the various negotiations with Mr. Smith's executors, and in the litigation and in carrying out this arrangement."

And counsel for all parties, other than the said infants, consenting, and the said guardian *ad litem* not objecting, and it appearing to be to the interest of the said infants that the said resolution should be sanctioned on behalf of the said infants:

1. This Court doth order and adjudge that the settlement set out in the said resolution be, and the same is hereby approved on behalf of the said infants, and that the said guardian be and he is hereby authorized to take such steps and to consent to such proceedings as may be necessary to obtain legislative sanction to the said settlement.

And it is further ordered that the costs of all parties up to and inclusive of this order, and of and incidental to the negotiations leading up to the said settlement, be taxed and paid by the executors out of the estate of the testator as between solicitor and client.

2. And it is further ordered, all parties consenting thereto, that further proceedings in this action be stayed until after the next session of the Legislature of the Province of Ontario.

3. And it is further ordered that the plaintiffs be at liberty to pay over forthwith to the Protestant Episcopal Divinity School Corporation the bequest made to them in the said will, upon the written undertaking of Lieutenant-Colonel C. S. Gzowski, A.D.C., and the Honourable S. H. Blake, Q.C., being filed that they will refund the same and interest, or any part thereof upon being ordered by this Court so to do, and counsel for the said C. S. Gzowski and S. H. Blake appear and undertake on their behalf that they will refund the said bequest and interest, or any part thereof, when ordered so to do by this Court.

Judgment entered this fifth day of October, one thousand eight hundred and eighty-three.

[Signed] GEO. S. HOLMESTED,
Registrar.

I. B. 4, p. 210.

[Signed] H. A. S.

CHAPTER 97.

An Act to authorize the trustees of the estate of James Stock, deceased, to mortgage certain property.

[Assented to 25th March, 1884.]

Preamble.

WHEREAS James Stock, late of the city of Toronto, merchant, died, having first made his last will, whereby he devised his estate, real and personal, to trustees, on the trusts therein set forth, and gave the trustees power to sell his said estate; and whereas Edward Stock and James Corcoran are the present trustees of the said estate; and whereas the said estate is indebted to various persons, as found by the report of the Master in ordinary of the Supreme Court of Judicature; and whereas the said report also finds that the guardian of the infant children of the said James Stock, deceased, has a claim for the past maintenance and education of the said infant children, and that the same is chargeable against their respective shares of and in the said estate; and whereas, it is undesirable to sell at the present time the freehold lands of said estate; and whereas the said lands are at present rented; and whereas the income of the said estate cannot now be applied by the said trustees for the maintenance of the said infant children, as the income is, and for many years to come, would be required to pay the said debts; and whereas, the said trustees have by their petition prayed for the enactments hereinafter

hereinafter contained, and the adult children of the said late James Stock have consented thereto; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;—

1. The trustees of the said estate of James Stock, deceased, are hereby authorized and empowered to grant and mortgage, in fee simple, all or any of the freehold lands of the said estate for the purpose of paying the said claims found by the said Master's report to be due by the said estate.

Power to mortgage for payment of claims due by estate.

2. The said trustees are also hereby authorized and empowered to grant and mortgage the respective shares, estates, and beneficial interests which any of the infant children of said deceased have or may have in said estate, for the purpose of paying to the said guardian the amount that is due to him as hereinbefore recited, and that is chargeable on such infants' share and interest.

Power to mortgage shares of infants for payment of amount due to guardian.

3. Nothing herein contained shall be construed as an authority to mortgage, charge, or encumber any one child's share or interest with the amount due by, or in respect of, any other child.

Share of one child not to be mortgaged for debt of another.

4. The said trustees, or any future trustees may, from time to time, make mortgages as aforesaid, for the purpose of paying off the mortgages hereby authorized, or any part thereof.

Power to mortgage for payment of mortgages authorized.

5. The powers of mortgaging and re-mortgaging hereby conferred upon the said trustees shall be exercised under the supervision of a judge of the Chancery Division of the High Court of Justice, or of such officer as he shall think fit to refer it to.

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